DOCUMENT RESUME

ED 368 990 CG 025 273

AUTHOR	Berkan, William A.; Kadushin, Alfred
TITLE	Child Abuse and Neglect Prevention: A Resource and Planning Guide.
INSTITUTION	Wisconsin State Dept. of Public Instruction, Madison.
PUB DATE	Aug 93
NOTE	146p.
AVAILABLE FROM	Publication Sales, Wisconsin Dept. of Public Instruction, Drawer 179, Milwaukee, WI 53293-0179 (Bull. No. 94055).
PUB TYPE	Guides - Non-Classroom Use (055)
EDRS PRICE	MF01/PC06 Plus Postage.
DESCRIPTORS	*Adolescents; *Child Abuse; *Child Neglect; Children; *Child Welfare; Intervention; Planning; Program Guides
IDENTIFIERS	*Wisconsin

ABSTRACT

This book explains the interaction and integration of the two systems most involved in the prevention of child abuse and neglect: the educational system and the human services system. The guide also includes the roles of the legal system and of collateral agencies. This Wisconsin guide was written to accomplish four objectives: (1) to establish an understanding between school district staff and child protection agency staff; (2) to encourage a uniform implementation of the mandatory child abuse and neglect law that will enhance interagency cooperation; (3) for school districts to support the intervention of child protection agencies that are designed to strengthen families and avoid removal of children; and (4) to encourage school districts to expand school-based child abuse prevention efforts. There are seven major chapters plus appendices: (1) overview; (2) Wisconsin's Definitions of Child Abuse and Neglect; (3) Development of a Prevention Program in the School; (4) Child Service Systems; (5) reporting Suspected Child Abuse or Neglect; (6) Sexual Abuse; (7) Special Issues and Questions; and (8) appendices. Each chapter includes an introduction to the problem or topic, a number of sub-chapters, and references where appropriate. (KM)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

CHILD ABUSE AND NEGLECT PREVENTION

A Resource and Planning Guide

ED 368 990

"PERMISSION TO REPRODUCE THIS
MATERIAL HAS BEEN GRANTED BY
G. M. Doyle

TO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)."

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)
☐ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
● Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

Wisconsin Department of Public Instruction / John T. Benson, State Superintendent

G025273

BEST COPY AVAILABLE

Child Abuse and Neglect Prevention: A Resource and Planning Guide

William A. Berkan ACSW
Consultant
School Social Work Programs

Alfred Kadushin—Special Consultant
Professor Emeritus
University of Wisconsin, Madison

Wisconsin Department of Public Instruction
Madison, Wisconsin

This publication is available from:

Publication Sales
Wisconsin Department of Public Instruction
Drawer 179
Milwaukee, Wisconsin 53293-0179
(800) 243-8782

We would like to thank Fast Forward Roller Skating, Inc. of Madison, Wisconsin for the use of the roller skating equipment shown on the cover of this guide.

Bulletin No. 94055

August 1993

© 1993 by Wisconsin Department of Public Instruction

The Department of Public Instruction does not discriminate
on the basis of race, color, religion, sex, national origin, age, or handicap.

Printed on
Recycled Paper

CG

Contents

Page

Foreword v
Acknowledgments vii
Introduction ix

1 **Overview**
The Problem Nationally 1
The Problem in Wisconsin 2
The Causes of Child Maltreatment 2
The Long-Term Effect of Maltreatment on Children 3
The Role and Value of Families 4
Societal Response to Child Abuse and Neglect 5
Summary 6

2 **Wisconsin's Definitions of Child Abuse and Neglect**
Purpose 9
Physical Abuse 10
Sexual Abuse 10
Emotional Maltreatment 11
Neglect 12
Summary 13

3 **Development of a Prevention Program in the School**
Introduction 17
Components of a Prevention Program 17
Steps to Develop a District Prevention Program 18
Sample Programs 25
School Administrative Efforts 28
School and Community Networking 32

4 **Child Service Systems**
Introduction 35
The Educational System 35
The Human Services System 39
Legal Systems: Role of the Court 46
Collateral Agencies 51
Summary 54

5 **Reporting Suspected Child Abuse or Neglect**
Introduction 57
The Legal Elements 57
The Transitional Elements 63

5

Review and Evaluation 70
Summary 70

6 Sexual Abuse
Introduction 71
Background 71
Understanding Victim Behavior 73
AIDS and Other Sexually Transmitted Diseases (STDs) 74
Response of the School 74
Summary 80

7 Special Issues and Questions
Education and Prevention 83
Corporal Punishment 85
Abuse of a Minor by a Minor 85
Sexual Abuse of a Minor by a Minor 86
Sexual Harassment 87
Confidentiality 88
In-school Consultation 88
Collaboration 89
Emotional Trauma of Reporters 90
Cultural, Racial, and Ethnic Bias in Reporting 91
American Indian Child Welfare Issues 92
Social Services Issues 93
Ritual and Sadistic Abuse 94

8 Appendixes
A. Annotated Resources 98
B. Relevant Legislation 103
C. Sauk County Community Schools Policy and Procedures in Reporting Child Abuse and/or Neglect 123
D. Cooperative Educational Service Agencies (CESA) Information 128
E. Department of Health and Social Services (DHSS) Information 130
F. School and Community Resource Collaboration 132
G. Child Protection Services: An Alphabetical Listing by Region 135

Foreword

Child abuse in Wisconsin is a problem that cannot be solved without collaboration among all of the people who work with children. Schools; social service agencies; and law enforcement, mental health, and voluntary groups in the community all have vital roles to play in reducing child maltreatment. Only when each individual understands the terrible impact of the problem on children and everyone's responsibility in preventing child abuse will the problem be reduced.

This guide was written to accomplish four objectives. First, the Department of Public Instruction wants to establish an understanding between school district staff and child protection agency staff. With this understanding, a more effective joint approach to serving abused and neglected children can be achieved. Second, the department wishes to encourage a uniform implementation of the mandatory child abuse and neglect law that will enhance interagency cooperation. Third, Wisconsin needs school districts to support the intervention of child protection agencies that are designed to strengthen families and avoid removal of children. Fourth, the department wants to encourage school districts to expand school-based child abuse prevention efforts.

We must count on each other because the children are counting on us.

John T. Benson
State Superintendent of Public Instruction

Acknowledgments

Just as keeping children safe and healthy requires the collaboration of many professionals from different walks of life, so has the creation and development of this book. The author wishes to thank all of the people associated with this publication and especially those listed here.

Great appreciation is given to the members of the task force who provided a wealth of information that served as the foundation of this book.

Theresa Bacchi
Social Services Specialist
Department of Health and Social Services
Madison

Thomas Balliet
Director of Pupil Services
Mequon-Thiensville School District

Karen Bougneit
Deputy Director
Department of Social Services
Washington County

Sally Carlson
President
Wisconsin Association of School Social Workers

Sally Casper
Executive Director
Wisconsin Committee for the Prevention of Child Abuse
Madison

Eileen DeGrand-Mershart
Former Executive Director
National Association of Social Workers
Wisconsin Chapter

Mary Dibble
Social Services Specialist
Department of Health and Social Services
Madison

Nic Dibble
Alcohol and Other Drug Abuse Specialist
Department of Public Instruction
Madison

Fred Gierke
Principal
Winneconne Middle School

Mark Hazelbaker
Corporation Counsel
Manitowoc County

Bonnie Hutchins
Education Coordinator
Wisconsin Committee for the Prevention of Child Abuse
Madison

Raejean Kanter
Former Human Growth and Development Consultant
Department of Public Instruction
Madison

Chyra Trost
Supervisor
Milwaukee County Department of Social Services

Brenda Ward
School Social Work Coordinator
Milwaukee Public Schools

Special thanks also go to various Department of Public Instruction staff.

Barbara A. Bitters
Section Chief
Equity and Multicultural Education

Melissa A. Keyes
Consultant
Sex Equity Programs

Robert J. Paul
Chief Legal Counsel
Office of Legal Services

Louise Root-Robbins
Former Section Chief
Pupil Services

Lori Weiselberg
Consultant
AIDS/HIV Prevention

Staff Contributors

Division for Handicapped Children and Pupil Services

Juanita S. Pawlisch
Assistant Superintendent

Nancy F. Holloway
Director
Bureau for Pupil Services

Division for Management and Budget

Bureau for School and Community Relations
Margaret T. Dwyer, Editor
Victoria Horn, Graphic Artist
Neldine Nichols, Photographer
Mary E. Smith, Proofreader
Telise E.M. Johnsen, Proofreader

Bureau for Information Management
Dianne Penman, Management Information Technician

Special acknowledgment must be given to I. Lorraine Davis, whose groundbreaking book on sexual abuse is the precursor to this book. With her initial efforts this resource expands upon the issues of sexual abuse and addresses the broader issues of all forms of neglect and abuse.

Introduction

This book, *Child Abuse and Neglect Prevention: A Resource and Planning Guide*, shares information about an issue that is, at its foundation, troubling and sad. Society is appalled at the discovery of the harsh, sometimes fatal abuse of children; society is saddened by the pathetic results—hunger, sickness, despair—of neglect. But it is often difficult for "society" to become involved, to know what to do for a child who may be in danger, to guess at what to say to a family that is out of control, or to recognize what signals are meaningful when a suspicion of abuse exists. That is why this book was developed: to show individual people in society what each of them can see, can do, can say.

This book also exists to inform individuals that some of them have specific roles that they *must* carry out. Whatever moral stance an adult takes in regard to his or her individual responsibility to safeguard the children of the community, the law in Wisconsin requires that those adults who have substantial, constant, or highly familiar access to children—educators, social workers, medical professionals, and many others—report any suspicions of abuse and neglect they might have to the appropriate health and social services agencies.

The authors of this book realize that it is not enough to simply list the organizations and programs that are available to assist those adults involved in the constant struggle to prevent child abuse. This guide, *Child Abuse and Neglect Prevention: A Resource and Planning Guide*, offers such practical information but it also offers something else: a framework of information and explanation.

This book explains the interaction and integration of the two systems most involved in the prevention of child abuse and neglect: the educational system and the human services system. The guide also includes the roles of the legal system and of collateral agencies, because they too are heavily involved in the prevention and treatment of child abuse. Informing the people who work with children of how they can best help these children and their families is the goal of this book. Attaining this goal comes from educating the professionals from the different groups on the work, goals, and procedures of the other systems. Often confusion and lack of information deter individuals from becoming involved and fulfilling their responsibilities.

Section 1, the overview, provides both national and state statistics and begins the guide's discussion of the causes and effects of abuse and neglect. Section 1 also holds the guide's initial discussion of the role and importance of the family, a key concept for those involved in child abuse and neglect treatment. The message that this book makes from its first through its last section is that treating a family and keeping it intact are not mutually exclusive. Abuse and neglect are fundamentally social, not legal problems. A community's response to the financial, emotional, and spiritual needs of families is as important as the response of the court and the judge.

Section 2 defines the different forms of abuse and neglect in Wisconsin. The legal definitions assist the reader in knowing what kinds of signs or marks to look for when a suspicion of abuse or neglect exists.

In section 3, Development of a Prevention Program in the School, the guide explains the process of building a prevention program in the school that is in sync with the requirements and goals of the social services and legal systems. The step-by-step procedures and the narrative text will allow districts to develop workable prevention programs that can effectively assist districts across the state. Using community strengths and adapting to community needs are the basic blocks to building a useful program.

Section 4, Child Service Systems, is the linchpin of the guide, showing the fundamental function and purpose of each system: educational, human services, legal, and collateral agencies. By showing the purpose, goals, and procedures of each individual system, all of the systems can best understand how to cooperate and collaborate with the others. This is a crucial aspect of preventing and eliminating abuse and neglect, because often professionals in each system, without a full understanding of the responsibilities and legal restraints placed upon their counterparts, find themselves working at cross-purposes with one another. Section 4 breaks down both the educational and human services systems into their federal, state, and local roles and lists the responsibilities and services of each system. It also discusses the procedures of the legal system, and shows how legal constraints determine the actions of educators and social service professionals. Finally, section 4 offers some explanation of the collateral agency system, which actually functions as a privatized sub-section of the human services system. Together, these four systems share the responsibility for the detection, prevention, and treatment of abuse and neglect. This section offers a framework for the collaboration and cooperation necessary to defeat abuse and neglect.

In section 5, Reporting Suspected Child Abuse or Neglect, the authors of the guide challenge both the educational and human services systems to develop workable, cooperative relationships where the school must consider Wisconsin's legal imperatives and procedures when reporting suspected abuse and neglect, and social services must consider the educational mission of the schools and integrate their investigations appropriately. The section contains a list of the most commonly asked questions about reporting, with answers developed from Chapter 48 of the Wisconsin Statutes, universally known as The Children's Code. Section 5 also provides support techniques for educators that will help them gather necessary information without jeopardizing the investigation of the social service system, which is required by law. Section 5 also contains practical instructions for developing a school board policy for the reporting of suspected abuse and neglect.

The authors chose to devote all of section 6 to the issues of sexual abuse. Section 6 notes the different laws and procedures that exist depending on the ages of both victim and perpetrator when both are minors. The section also explains victim behavior so that mandatory reporters can begin to understand the highly complex psychological changes that occur when a child experiences sexual abuse or assault. A key part of section 6 is its five-point plan that suggests the appropriate response of the school to the sexually abused child and the child's family.

Section 7, the final section of the guide, is an overall discussion of special issues and questions, some of them covered in more detail than others. Some of the special issues relate directly to topics covered in other sections of the book and are therefore cross-referenced for the reader. These special issues include, but are not limited to: corporal punishment, confidentiality, consultation, liability, bias in reporting, and American Indian child welfare issues.

The appendixes of section 8 include extensive resources: publications, films and videos, organizations, newsletters, and others. The relevant legislation is a reference tool for every section of the book. The model policies from Sauk County and the maps that show both educators' and social services' statewide configurations will help readers from all systems understand the structure of the two main systems.

On a final note, it is true that many adults do not want to involve themselves in the problem of child abuse and neglect. For some, it is too ugly, too dirty, too disturbing. The authors of this book understand why adults fear facing the reality of abuse and neglect of today's children. Robert Summitt, a veteran of dealing with child abuse, puts it this way:

> What makes the issues so difficult is not their power but their paradox. Most of us are survivors of childhood. We are intimidated and embarrassed by the shadows of our past. It was good to become enlightened, imperative to become strong and sure, vital to replace fearful feelings with comforting beliefs. It is normal to be an adult. It is healthy to take charge. It is necessary to know. Who can dare slip back to experience the feelings and vulnerabilities of a dependent child?

Everyone involved with the creation of this book hopes that enough people dare to make this return, because it is the only way to defeat the abuse and neglect of our children.

Overview

1

The Problem Nationally

The U.S. Department of Health and Human Services recognizes child abuse and neglect as a national problem of major proportions. It is impossible to determine the actual extent of abuse and neglect, because there is no assurance that all or even most of the cases are being reported. There is a great deal of evidence that only a small percentage may be coming to the attention of child protection agencies. A report from the U.S. Advisory Board on Child Abuse and Neglect (1990) cites this as a major concern and refers to two other studies (Daro, 1991, and Hoffman, 1984) that support its conclusion. Mental health professionals find that asking patients about childhood abuse often results in statements revealing unreported abuse. Lister (1982) indicates that this is due to the fact that asking patients if they were abused has the effect of counteracting the enforced silence of child abuse and neglect. Herman (1986) states that as many as one in ten boys and one in three girls are sexually abused by the age of 18. Similar studies done by other mental health professionals link unreported physical and sexual abuse to suicide attempts and drug and alcohol abuse.

Figure 1

Reported Child Abuse and Neglect				
Type of Child Maltreatment	**National for 1990 ***		**Wisconsin for 1991**	
	Incidence	**Percent of Total Reports**	**Incidence**	**Percent of Total Reports**
Neglect	1,128,600	45	21,197	47
Physical Abuse	702,240	28	14,793	33
Sexual Abuse	376,200	15	11,384	26
Emotional Maltreatment	225,720	9	1,492	3
Other	75,240	3	N/A	N/A
Total Reports of Child Maltreatment	2,508,000	100	44,963	108 **
Substantiation (Documentation) Rate	978,120	39	17,657	39
	** Some reports contained more than one type of maltreatment			

* U.S. Department of Health and Human Services, 1990

The Problem in Wisconsin

The 1991 Child Abuse and Neglect Report, issued by the Wisconsin Department of Health and Social Services (DHSS), and summarized in Figure 1, states that 44,963 Wisconsin children were reported as being maltreated during the year. Figures 2 and 3 show a further breakdown of the statistics.

■ Figure 2

Fatalities substantiated (documented) due to child maltreatment

	Incidence	Percent of total cases
Nationally	1,211	.001
Wisconsin	17	.001

■ Figure 3

Abuse and neglect reports by gender in Wisconsin

	Percent of all types of maltreatment	Sexual abuse
Boys	45%	24%
Girls	55%	76%

Girls represent 53 percent of the reports for emotional abuse and 76 percent of the reports for sexual abuse. Boys represent 45 percent of the total number of reports for all types of maltreatment. Each year there is a slight increase in the number of boys being reported for sexual abuse.

These 1991 figures represent a 15.75 percent overall increase from the previous year. School personnel accounted for 16.3 percent of the 1991 reports. In fact, school personnel play a greater role every year in reporting child abuse and neglect.

Although alarming, the increase in the abuse and neglect reporting rate can be interpreted as evidence that communities are successfully identifying the children and families who need treatment. Educators' growing involvement in both child abuse prevention and reporting has resulted in a partnership with the child protection system. The term "child protection system" is an umbrella term that refers to the agencies, services, and social workers, at the county level, whose primary mission or goal is to safeguard children. These organizations and workers are referred to in this book interchangeably as child protection workers or CPS workers. This partnership between educators and the child protection system occurs at a critical time, because increased awareness of the needs of maltreated children and the resulting increase in reported cases comes during a time of decreased treatment resources.

The Causes of Child Maltreatment

Experts in the field of child protection have found that the phenomenon of child maltreatment is one that crosses social and economic lines. Kempe (1962) reports that the parents who abuse children come from upper-, middle-, and lower-income families. While abuse and neglect does occur in families at all socio-economic levels and among all ethnic and racial groups, the largest percentage of reports involve low-income families, families receiving public assistance, and single-parent families. (Kempe and Kempe, 1978; Finkelhor, 1984; Fanshel, et al., 1992) These groups of families are particularly vulnerable. Related information appears in section 7 of this guide, under "Cultural, Racial, and Ethnic Bias in Reporting." Parenting is a stressful experience in itself, and raising children on a limited income or without the support of a second parent compounds the stress. The determining factors are the parents' ability to handle stress and their own childhood experiences; specifically, whether they themselves were victims of child abuse. Many abusive and neglectful parents were themselves abused or neglected children.

Neglectful parents also come from various backgrounds and live in all types of neighborhoods. (Garbarino and Sherman, 1978; Polansky, et al., 1979) Without appropriate adult role models during their own childhood, neglected children become neglectful parents who lack the understanding and ability to raise emotionally healthy children.

In both instances, abuse and neglect, parents never learned how to meet their own needs, let alone develop the ability to meet the needs of their children. These parents tend to have an immature, basically self-oriented outlook on life. They view children as objects to be controlled, as extensions of themselves, subject to parental wishes, and not as individuals. (Hally, Polansky, and Polansky, 1980) This happens because, as neglected or unwanted children, they never received the support and care that allows individuals to recognize their own worth and develop the confidence to succeed. Without that belief in themselves, they become adults who every day feel uncertainty and a lack of control over the major facets of their lives, such as job and career, relationships, and finances. The one exception is their children, who depend upon them for every basic need, and are therefore more controllable than any adult or adult situation.

These parents gain their self-esteem not from their own accomplishments, but from their ability to control their children, dictate their own standards of the children's "best interest," and force their children to act in ways that support those standards. Their need to reinforce their self-esteem, paired with a lack of parenting skills, generally leads to the failure of the parents' plans for their children and can lead to child abuse or neglect. This does not mean that parents do not love their children; only that, without help, they cannot learn how to give the love and support that they themselves never received.

Frequently, this dependent personality of the parents leads to the abuse of alcohol or other drugs. In fact, consideration of the causation of abuse and neglect cannot be complete without dealing with the role that alcohol and drugs play in the current problem. Alcohol and drug abuse often accompanies a sense of hopelessness or lack of control in the dependent person. That hopelessness can either cause the dependency or exacerbate it.

Dependency is a result of the individual's inability to deal successfully with the stress and the frustration of life. When parents are dependent on alcohol or other drugs, they are not able to function in their role as responsible adult, no matter how much they intend to care for their children. Child protection workers in the state of Wisconsin report that the numbers and severity of drug and alcohol dependent parents who abuse or neglect their children has increased dramatically in the past ten years. A Milwaukee County Social Services Special Programs supervisor states that "Drugs are a major factor today in placement of children out of their parental homes. Alcohol and drug abuse are related to poverty and hopelessness which make acceptable parenting [more] difficult for poor people. If people have little or no hope for themselves, their own survival does not allow enough energy for being a good parent." (Trost, 1991) Most people want to be good parents and successfully raise their children to become emotionally healthy adults; today they increasingly look to society to help them achieve that goal.

The increasing knowledge of the causes of abuse and neglect in the years since C. Henry Kempe's 1962 presentation on battered children is a positive development. The studies that have determined the causative factors are the basis for current programs that treat or prevent the abuse and neglect of children. The coordinators of these programs acknowledge that the majority of abusive or neglectful parents do not maltreat their children because of some inherent evil or an incapacity for change. By protecting the children and meeting the needs of the parents, these programs strengthen and maintain the entire family. The need for and value of such programs to not only individual children and families, but to all of society, is clear when the effect of child abuse and neglect are considered.

The Long-Term Effect of Maltreatment on Children

Society has an incalculable investment, both moral and financial, in successfully raising its children. Abused or neglected children who do not receive help will not mature into individuals who contribute to the welfare of the community in as great a measure as unabused children. While most abused children survive, few reach their full potential unless they receive appropriate intervention and adequate therapy. They will experience difficulty achieving their academic potential, because emotionally they will be less stable and have poorer self-images. Not all abused or neglected children fail in their adult lives, but the price they pay to successfully raise a family and develop a career is great. And for those who do not succeed, the price is even higher.

The 1990 Annual Child Abuse and Neglect Report compiled by the Wisconsin Department of Health and Social Services (DHSS) states:

> The consequences of long term childhood victimization are not only a source of pain for the individual children and families, but also often result in being a burden for the rest of society. Over the last 20 years, our understanding of how childhood victimization is related to destructive adult outcomes has grown immensely. Studies of adult survivors show that many child victims begin their adolescent and young adult life on a rocky course. They often are unable to establish trusting relationships, [they] have babies in their teen years, [they] abuse drugs and alcohol, [they] are more vulnerable to stress and illness and [are] less able to successfully cope with adversity.
>
> Other studies show 70 percent of young people in juvenile court have a history of abuse or neglect and 70 to 80 percent of prison inmates have such a history. Fortunately, most child victims outgrow their pain and become healthy and adaptive adults, yet their struggle to overcome the effect of their victimization is great and often a long road.

The prevention of child abuse or the successful treatment of the victims has the potential for making a significant impact on the rate of violent crime. That impact depends largely on the provision of adequate social services, effective education of students and families, and the creation of parent support groups such as Parents Anonymous. Whatever positive support families and individuals receive has the potential to reduce crime, violence, divorce, and mental illness, because individuals were spared the violence of child abuse.

The Role and Value of Families

Families are the basic building blocks of society. If children are to be protected in today's world, it is necessary that adults who work with children recognize that there are many kinds of families and that each deserves and requires a unique support system. The sociological norm for a family is a mother, a father, and children. But many groups, some very different from the norm, function as families, nurturing and protecting their children. Although the two-parent family still exists, single parents are also meeting the needs of their children as well. In some instances, same-sex partners form families and successfully raise the children of one, or both, of the adults. In dealing with the needs of children, the important factor is not the given family's variation on the "norm," but meeting the unique needs of that family, so it can provide for the children entrusted to its care through biological or other means.

Society assigns three principal roles to families regarding children: to provide the physical care needed for the child's survival, to provide the emotional support that ensures adequate psychosocial development of the child, and to provide the opportunities for the child to function independently. Each of these roles requires special skills and knowledge that go beyond strong instincts and good intentions. The parent who continues to learn what a child needs at various points in the child's development may not be a perfect parent but can be a responsive parent. A responsive parent offers the protection and the guidance needed to prepare a child for independence.

The value of the family is in its role as protector and nurturer of the young. The fact that some parents fail in this task does not reduce the importance of this role in society; rather, an individual's failure increases the importance of society's efforts to help dysfunctional families. Children love their parents, sometimes without reason and in the face of serious abuse and neglect. This single fact, known to most child protection workers, juvenile court lawyers, and juvenile court judges, is the foundation for the therapeutic actions taken on behalf of families by child protection agencies.

In the past, parents often had significantly more support from nearby relatives, in the form of direct assistance such as child care or housing, and the indirect examples of various childrearing techniques and strategies. This type of support is decreasingly available to parents of young children and is becoming an increasingly outdated element of family life. Divorce, corporate and professional demand for greater mobility, and urbanization are just a few of the realities that affect the ability of the extended family to assist parents today.

The increased and unrelieved stress level faced by individual families is a major concern in preventing child abuse and neglect. Parents are expected to cope without the assurance of sufficient emotional, social, and financial support necessary to meet their responsibilities. Without these assurances, child maltreatment becomes statistically more probable. The protection and nurturing of children is no longer the exclusive domain of the family. It is rare that an individual family can meet all the complex needs of growing, maturing children. More and more, government and societal agencies assist parents and children by providing stability and dependability in otherwise chaotic lives. Schools, as one of those institutions, are currently being asked by communities to accept more responsibility for passing on societal norms and functioning as a partner with parents. The increased number of issues that school districts deal with—sex education, human growth and development, sex equity, Alcohol and Other Drug Abuse (AODA), and Human Immunodeficiency Virus (HIV) and other sexually transmitted diseases—reflects the increased responsibility of the schools. Because county child protection services have the statutory mission of dealing with situations where parental care, or lack of it, results in danger to children, the two agencies must recognize their partnership in helping families cope.

Families remain the most important influence in the lives of their children; however, when the more difficult parenting tasks challenge their abilities, parents will frequently look to resources available in the community for assistance.

Treatment and Prevention Services for Families

The child protection system, through treatment and prevention, is designed to provide troubled families with the assistance and treatment that will remedy their immediate problems and prevent further child abuse and neglect. The child protection worker has access to resources, including financial assistance, therapy, child care, court supervision and parent education, to assist these families. Services may be used either to protect an individual child, or to benefit an entire family and thereby increase the family's ability and willingness to care properly for its children. The success of this system in truly protecting children depends on the ability and motivation of the given family in using the available services in order to make significant changes in themselves. Abusive or neglectful families often need to be taught how to benefit from the help offered. Also, economic and social conditions that exist in a community directly affect the child protection system and its services. Communities that have a high rate of joblessness, poverty, racism, sexism, AODA, and crime will also tend to have a high rate of abuse and neglect. These communities have fewer resources and fewer opportunities for adults and children to maintain hope for personal development and positive expectations for the future.

Societal Response to Child Abuse and Neglect

Over the centuries, society's reaction to the maltreatment of children has varied in ways that can best be characterized as confused. Historically, there has always been a conflict between parents' rights and children's needs. Social institutions, legal precedents, and prevailing sentiment weigh heavily in favor of parental rights. More recently, there has been an attempt to redress the imbalance and give greater consideration to children's needs. However, the conflict is not easily resolved, and the rights of children, when given, are conceded with reluctance and ambivalence.

There is an associated conflict between the sanctity and privacy of the family and the community's responsibility to protect children from harm. The community, represented by child protection services, has a compelling interest and sanction to investigate families when child protection concerns exist, and limit parental autonomy, all in the cause of protecting the child. The circumstance and limits of such legitimate intrusion are open to considerable debate. For more information, see "Parents' Rights v. Children's Rights" in section 7.

There is no uniform standard of child care in the home: there is even disagreement on whether spanking in the home is unacceptable. Spanking is a common form of discipline for some families; for others, any physical discipline is unacceptable. The age at which a child may safely stay home alone usually does not become an issue for a community until some harm occurs to the child. Society resists codifying such standards because it is seen as an attack on the rights of the parents.

The lack of a societal consensus on acceptable behavior creates a difficult situation for child protection service agencies. There are two predominant reactions to child abuse and neglect. Unless the child is seriously injured due to parental behavior, the current societal reaction generally supports the parents' right to discipline the child as they see fit. The assumption is made that the parents have the best interests of the child in mind and that they are capable of acting on those "best interests." On the other hand, if the child is seriously injured, the community reacts with shock and anger towards the parents and towards the child protection system that did not protect the child.

Summary

Child abuse and neglect is a real problem for over 2.5 million children in the United States, and nearly 45,000 children in Wisconsin. In the past 25 years, knowledge of the causes and the treatment for child abuse and neglect has greatly increased. Child abuse and neglect are related to a cycle of human behavior: most people who neglect or abuse their children were themselves maltreated. Most people who abuse or neglect their children are not mentally ill; however, they do not handle well the stress of daily life and the responsibilities of parenting. They often need help to learn more effective parenting and problem-solving skills. Reports of suspected child abuse or neglect are one way to protect children and engage families in treatment.

The role of the educator in this prevention effort emerges as a natural part of the educational profession. Examples of the educators' prevention role include, but are not limited to, the following:

- functioning as role models,
- teaching teen parenting,
- teaching community parenting,
- conducting self-esteem activities,
- mentoring,
- presenting protective behaviors, and
- teaching human growth and development.

Every individual's acceptance of a personal and professional responsibility for child abuse and neglect prevention is the necessary first step in reducing the size and the impact of the problem.

References

Daro, D.L., and Mitchel McCurdy, in *Current Trends in Child Abuse Reporting and Fatalities—The Results of the 1990 Annual Fifty State Survey*. National Committee for the Prevention of Child Abuse, 1991.

Fanshel, D., S.J. Finch, and J.F. Grundy. "Serving the Urban Poor: A Study of Child Welfare Preventative Services." *Child Welfare* 71.3 (May-June 1992), pp. 102-109.

Finkelhor, D. *Child Sexual Abuse: New Theory and Research*. New York: New York Free Press, 1984.

———. *A Sourcebook on Sexual Abuse*. Beverly Hills, CA: Sage Publications, 1986.

Garbarino, J., and D. Sherman. "High Risk Neighborhoods and High Risk Families: The Human Ecology of Child Maltreatment." *Child Development* 51 (January 1980), p. 188.

Hally, Carolyn, N.F. Polansky, and N.A. Polansky. *Child Neglect: Mobilizing Services*. Washington, DC: U.S. Department of Health and Human Services, 1980.

Herman, J., D. Russell, and K. Trocki. "Long-term Effects of Incestuous Abuse in Childhood." *American Journal of Psychiatry* 143.10 (October 1986), pp. 1293-96.

Hoffman, R.E. "A Multimodel Assessment of Behavioral and Cognitive Deficits in Abused and Neglected Children." *Child Development* 55 (June 1984), p. 794.

Howing, Phyllis T., et al. "Child Abuse and Delinquency: The Empirical and Theoretical Links." *Social Work* 35.3 (May 1990), pp. 244-251.

Kempe, C. Henry, et al. "The Battered Child Syndrome." *Journal of the American Medical Association* 181.1 (7 July 1962), pp. 17-24.

Kempe, R.S., and C.H. Kempe. *Child Abuse*. Cambridge, MA: Harvard University Press, 1978.

Lister, E.D. "Forced Silence: A Neglected Dimension of Trauma." *American Journal of Psychiatry* 139.7 (July 1982), pp. 872-75.

Polansky, N.A., M.A. Chambers, E. Buttenwieser, and D.P. Williams. "Isolation of Neglectful Families." *American Journal of Orthopsychiatry* 49 (March 1979), pp. 149-152.

Trost, Chyra. Personal conversation. Milwaukee County Department of Social Services. June 1991.

U.S. Department of Health and Human Services. Report. *Child Abuse and Neglect: Critical First Steps in Response to a National Emergency.* Washington, DC: U.S. Advisory Board on Child Abuse and Neglect. August 1990.

Wisconsin's Definitions of Child Abuse and Neglect

2

Purpose

In Wisconsin, the child protection system is based on a law referred to as either Chapter 48 or the Children's Code. This law, which consists of an entire set of detailed statutes, outlines the responsibilities of relevant individuals in the system: personnel in the state's Department of Health and Social Services (DHSS), officers of the court such as judges and attorneys, law enforcement officers, and county child protection workers. See Appendix B of this guide for all relevant legislation.

The definitions of child abuse and neglect are found in secs. 48.981(1)(a) and (cm) and (d) and (e), Stats. The Children's Code defines **abuse** as the following:

- physical injury inflicted on a child by other than accidental means;
- sexual intercourse or sexual contact under secs. 940.225 or 948.02, Stats.;
- violation of sec. 948.05, Stats. (sexual exploitation of a child);
- permitting or allowing a child to violate sec. 944.30, Stats. (prostitution);
- emotional damage; and
- the violation of sec. 940.227, Stats. (forced viewing of sexual activity).

It is important for Wisconsin educators to know there is a legal distinction between abuse and assault. A court will determine how to categorize the behavior.

Neglect is the failure or refusal on the part of the parent, guardian, legal custodian, or other person exercising temporary or permanent control over a child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child.

The CPS agency and the courts must consider each case of suspected maltreatment on a separate basis. The indistinct nature of the legal definition of abuse makes the child protection worker's assessment of risk critical to protecting the child physically and emotionally. The child protection worker has the difficult job of protecting the child while preserving the rights of the family. The Children's Code clearly states the procedural rights of children and adults, and describes the process used to protect those rights.

The Children's Code also mandates who must report suspected child abuse or neglect and sets legal penalties for those who fail to file a report. Although legally educators are mandated *reporters*, it is not their responsibility, nor their position to *investigate* suspected abuse and neglect. Because investigations can lead to court hearings, an inadvertent action by an educator who is trying to collect further information could compromise a parent's legal rights and thus jeopardize the child protection worker's attempt to use the court to safeguard the child. Mandatory reporters file their reports only with the county department of social services or the local law enforcement agency. The state authorizes only those agencies to investigate the report and determine whether or not abuse and neglect has occurred or is likely to occur. It is important for educators to understand the legal definitions, because if an individual accused of abuse or neglect denies the accusation, it must be proven in court before the state can take legal action to protect the child. Therefore, as mandatory reporters, educators should find the following legal definitions helpful when assessing their own role in the reporting process.

Physical Abuse

Physical abuse is defined in sec. 48.981(1)(e), Stats., and refers to "physical injury [that] includes, but is not limited to, lacerations, fractured bones, burns, internal injuries, or any injury constituting great bodily harm as defined under sec. 939.22(14), Stats." This definition lists conditions that describe physical abuse which may have occurred, but the definition itself does not quantifiably measure the abuse. For example, there is no definition of how deep "lacerations" must be in order for the situation to constitute abuse.

Physical abuse may occur as a result of parents' or a caretaker's emotional instability, the caretaker's own childhood experience of abuse as a "normal" discipline, excessive stress, isolation, or some other factor. It is not necessarily the result of inherent, untreatable characteristics of the parent or caretaker. The anger of the parent, generated by conditions and situations that she or he is unable to control or manage, are at the basis of most physical abuse.

It is important to document the shape and location of bruises, burns, and broken bones in suspected abuse cases. The most suspicious marks are those with distinctive hand or whip shapes, or those located in places where the child would have difficulty inflicting them upon him- or herself. These hard-to-reach locations are the backs of the legs, the inside of the thighs, the bottoms of the feet, and the area of the back from the shoulders to the buttocks. Marks such as round or triangular burns indicate the use of another object, such as a cigarette or an iron. The normal play injuries of childhood are not evidence of abuse and should not raise any suspicion. These marks—scraped knees, bruised shins, or small cuts—occur in most children's lives and are familiar to adults who deal with children frequently. Educators must base their documentation on the unexplained bruises and marks that they see as part of the normal schoolday's activities. It is important to consider a child's physical injuries in the context of what an educator may know about the child's living environment, family parenting practices, and any other conditions that may contribute to abuse and neglect. School staff should not ask a child to disrobe to search for evidence of abuse or neglect. The child protection worker will determine if such an examination is necessary.

Sexual Abuse

Wisconsin law recognizes four different forms of sexual abuse. The first, sexual assault of a child, is defined as having "sexual contact or sexual intercourse" with a person who has not attained the age of 16 years. (Sec. 948.02, Stats.) Legally, consent is not an issue and cannot be used as a defense when the minor involved is under the age of 16, because a person that age cannot give consent. Sexual contact or intercourse with a 16- or 17-year-old without her or his consent is also considered sexual abuse.

Sexual contact is defined as "any intentional touching by the complainant or defendant, either directly or through clothing by the use of any body part or object, of the complainant's or defendant's intimate parts if that intentional touching is either for the purpose of sexually degrading or sexually humiliating the complainant or sexually arousing or gratifying the defendant." Sexual intercourse is defined as "vulvar penetration as well as cunnilingus, fellatio, or anal intercourse between persons or any other intrusion, however slight, of any part of any person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required." (Sec. 948.01(6), Stats.)

The second type of sexual abuse recognized is "sexual exploitation of a child." (Sec. 948.05, Stats.) Generally, this refers to using, persuading, or coercing a child "to engage in sexually explicit conduct for the purpose of photographing, filming, videotaping, recording the sounds of or displaying in any way the conduct." (Sec. 948.05(1)(a), Stats.) It also includes producing, performing in, profiting from, promoting, reproducing, advertising, selling, distributing, importing into the state, or possessing with the intent to sell or distribute any of these products. (Sec. 948.05(1)(c), Stats.)

The third type of sexual abuse that the state recognizes is the permitting, allowing, or encouraging of a child to commit prostitution. The fourth is "by use of threat of force or violence, [causing] a child who has not attained 18 years of age to view sexually explicit conduct." (Sec. 940.227(2), Stats.)

Some behaviors in children that might suggest sexual abuse include:

- pain on walking or sitting,
- discomfort, either physical or social, when undressing for physical education,
- inappropriate seductive behavior,
- indication of chronologically inappropriate knowledge about sexual activity,
- withdrawal from social relationships,
- exhibiting regressive behaviors, and
- running away or misuse of alcohol or drugs.

This list merely suggests some behaviors that should raise questions about possible sexual abuse and should not be considered the only signs indicative of sexual abuse. See section 6 of this guide for more specific information about and materials for the prevention of sexual abuse.

Emotional Maltreatment

Emotional maltreatment can take many forms and can be difficult to recognize or verify. This abuse should not, however, be ignored because it can produce severe emotional damage in children when it continues for long periods of time or when it intensifies greatly.

The Children's Code defines emotional damage as "harm to a child's psychological or intellectual functioning which is exhibited by severe anxiety, depression, withdrawal, or outward aggressive behavior or a combination of those behaviors which has been caused by the child's parent, guardian, legal custodian, or other person exercising temporary or permanent control over the child and for which the child's parent, guardian, or legal custodian has failed to obtain the treatment necessary to remedy the harm." (Sec. 48.981(1)(cm), Stats.) To put it more simply, if a child exhibits severe problems and the parents have directly refused to deal with the problems, there is a strong suspicion of emotional damage.

It is important to note here that Wisconsin statutes do not recognize or define specific behaviors on the part of caregivers as emotional abuse. Instead, Wisconsin law defines the emotional damage, which is the result of the caregivers' failure to obtain necessary treatment for the child, as a type of abuse. In *The Psychologically Battered Child*, the authors define emotional or psychological maltreatment as

> a concerted attack by an adult on a child's development of self and social competence, a pattern of psychically destructive behavior, [that] takes five forms:
>
> **Rejecting.** The adult refuses to acknowledge the child's worth and the legitimacy of the child's needs.
>
> **Isolating.** The adult cuts off the child from normal social experiences, prevents the child from forming friendships, and makes the child believe that he or she is alone in the world.
>
> **Terrorizing.** The adult verbally assaults the child, creates a climate of fear, bullies and frightens the child, and makes the child believe that the world is capricious and hostile.
>
> **Ignoring.** The adult deprives the child of essential stimulation and responsiveness, stifling emotional growth and intellectual development.
>
> **Corrupting.** The adult 'mis-socializes' the child, stimulates the child to engage in destructive antisocial behavior, reinforces that deviance, and makes the child unfit for normal social experience. (Garbarino, Guttman, and Seeley, 1986)

Most cases of physical abuse or neglect or sexual abuse also have aspects of emotional maltreatment, as described above, and the CPS agency can address these concerns in the context of a comprehensive treatment plan. Therefore, it is important to report any concerns of emotional maltreatment that may be present when reporting other types of maltreatment.

It is difficult to distinguish an emotionally maltreated child from a child who is emotionally disturbed. Children who are either disturbed or maltreated often display some of the following behaviors:

- unusually shy and withdrawn,
- constantly idle, daydreaming in class,
- overly and constantly demanding,
- overly dependent,
- extremely inattentive,
- easily distracted,
- excessively anxious and fearful, and
- highly aggressive.

The school district needs to determine if the behavior of the student represents a possible exceptional educational need that would require a multidisciplinary team (M-Team) evaluation, or if the situation represents possible emotional damage (severe anxiety, depression, withdrawal, or outward aggressive behavior) for which the parents have failed to obtain necessary treatment, thus warranting a report to the CPS agency. The district should utilize its pupil services staff to evaluate the situation. School social workers in particular have specialized training in such child welfare issues as abuse and neglect. In some cases, the district staff will not be able to determine whether the situation is emotional abuse, emotional disturbance requiring Exceptional Educational Needs (EEN) services, or both. In this uncertain situation, it is required of staff to make an EEN referral. If any of the district staff suspects that emotional abuse has occurred or is occurring, he or she should contact the community's child protection agency for a consultation. The district representative should inform the child protection agency that the school is unsure of the nature of the situation and would like to discuss the facts and behaviors with a child protection worker. The child protection worker will be able to advise the district if it needs to make a formal report of suspected abuse.

Neglect

Of all maltreatment, physical neglect is the most common one that children experience. "Neglect means failure, refusal, or inability on the part of a parent, guardian, legal custodian, or other person exercising temporary or permanent control over a child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child." (Sec. 48.981(1)(d), Stats.) Child protection workers and judges routinely express concern over the sheer numbers of children who are neglected, both the reported and unreported cases. A major problem, cited by the field's professionals, is the inconsistent view of child-rearing practices in society. As stated earlier, there is no consensus about how old a child must be to stay home alone for a long time period, say, more than four hours. (Hally, Polansky, and Polansky, 1980) The result of this lack of consensus is the lack of a legal standard to guide courts in their decisions and rulings in neglect cases. Currently, what one person clearly sees as unquestionable neglect appears to another person as ill-advised, but legally permissible behavior.

Neglect might exist when

- children are sent to school hungry every day,
- clothes are inappropriate for the weather,
- health care is refused or delayed, and
- children are abandoned or left unsupervised for extended periods of time.

Other indicators of neglect might be children who are frequently tardy or absent; who are listless, lethargic, or sleepy; and who are consistently dirty, unkempt, and have strong body odors.

Some parents force their children to leave home as a form of discipline, without making adequate arrangements for them. In Wisconsin such action could lead to a charge of child neglect. Another common form of neglect occurs when an adult allows a child outside of the home without adequate supervision for an extended period of time. Permitting the child to stay away from home without knowing the child's whereabouts is possible evidence of inadequate supervision. In situations such as this it is probable that supervision in the home is also inadequate and exposes the child to potential physical harm. An intoxicated adult who drives a car with a child as a passenger, or an adult who leaves a young child unattended in a car, may be judged as a neglectful parent.

Community opinion determines the standards of reasonable care and the deviations from those standards. Communities decide how serious certain situations are, and therefore influence what legal options are available to local CPS and law enforcement agencies in order to protect children. Wisconsin also recognizes that some children receive inadequate care through no fault of their parents. Such situations might involve a parent's inability to care for a child because of the parent's physical illness, mental illness, developmental disability, or poverty. Neglect might also result from the child's special needs for which the parent has neither the financial nor the emotional resources. At these times, the community agency attempts to use social programs rather than the court to improve the situation. Figure 4, "Child Abuse Myths and Facts," explores some of the misinformation and misunderstandings that people have about abuse and neglect. This test might be useful to anyone conducting a training session, workshop, or inservice to see what perceptions an audience or group has about abuse or neglect.

Summary

By sharing a basic understanding of the definitions of child abuse and neglect, the educational, human services, and legal system personnel can better combine their efforts to protect children from harm. The mixture of social work and legal concepts in the definitions allows educators and other mandated reporters to report suspected behaviors but does not compel them to gather proof of abuse and neglect. With a clearer understanding of the legal definitions of child neglect and abuse, educators have the opportunity to develop their prevention efforts and programs in the school and the community.

References

Garbarino, J., A. Guttman, and C. Seeley. *The Psychologically Battered Child.* San Francisco, CA: Jossey-Bass Publishers, 1986, p. 8.

Hally, Carolyn, N.F. Polansky, and N.A. Polansky. *Child Neglect: Mobilizing Services.* Washington, DC: U.S. Department of Health and Human Services, 1980.

United States Department of Health and Human Services. *Study on the Natural Incidence and Prevalence of Child Abuse and Neglect.* Washington, DC, 1988.

Figure 4

Child Abuse Myths and Facts*

1. People who abuse children are usually insane.
   ☐ Myth ☐ Fact
2. When one child in a family is abused, the brothers and sisters are usually not injured or sexually abused.
   ☐ Myth ☐ Fact
3. Natural parents or caretakers are the most common abusers.
   ☐ Myth ☐ Fact
4. Child abuse only occurs in "low income" families.
   ☐ Myth ☐ Fact
5. Teenagers and pre-teens who are starting to rebel against parental authority are the most likely victims of child abuse.
   ☐ Myth ☐ Fact
6. You must have proof of child abuse before you can report it.
   ☐ Myth ☐ Fact
7. There is no penalty if you decide not to report a case of suspected child abuse.
   ☐ Myth ☐ Fact
8. A Society for the Prevention of Cruelty to Animals (SPCA) was established before a Society for the Prevention of Cruelty to Children.
   ☐ Myth ☐ Fact
9. It is very hard to prove that physical abuse is not accidental.
   ☐ Myth ☐ Fact
10. Many child abusers can be helped.
    ☐ Myth ☐ Fact
11. Sex offenders are dirty, old men.
    ☐ Myth ☐ Fact
12. Sex offenders are crazy, retarded, homosexual, or sexually deprived.
    ☐ Myth ☐ Fact
13. Offenders are poor, alcoholic, and unknown to their victims.
    ☐ Myth ☐ Fact
14. The victims of child abuse are largely female adolescents who provoke assault by their behavior or dress.
    ☐ Myth ☐ Fact
15. Victims of incest and child sexual abuse are from low socio-economic families.
    ☐ Myth ☐ Fact
16. Children lie or fantasize about sexual relations with adults.
    ☐ Myth ☐ Fact
17. Mothers always know about incestuous relationships within their families.
    ☐ Myth ☐ Fact
18. Sexual assault [only] happens at night in lonely, unpopulated areas.
    ☐ Myth ☐ Fact
19. Sexual assault means only rape or intercourse.
    ☐ Myth ☐ Fact

---

* Source: Wisconsin Committee for Prevention of Child Abuse. Used with permission.

Answers

1. **Myth.** Although a small percentage of child abusers may be mentally unbalanced, the overwhelming majority are sane. They are relatively normal people who are under intolerable stress and react to it by taking it out on their children.
2. **Fact.** When one child is abused, the child's brothers and sisters are usually not abused.
3. **Fact.** Most abusers (both physical and sexual) are natural parents. Of the 1981 Army cases reported, 66 percent of the physical abuse perpetrators were natural parents. There were twice as many natural parents cited for sexual abuse than boyfriends or step-parents.
4. **Myth.** Abuse can and does occur in families throughout the whole social and economic spectrum.
5. **Myth.** Younger children (pre-schoolers) are the largest "at risk" population. Data for the 1978-80 period indicated that 53 percent of child abuse victims were less than three years old; 75 percent were under seven; all of the fatalities were under three years of age.
6. **Myth.** You should report any suspicions of child abuse and you do not need proof. You must have "reason to believe that a child less than 18 years of age or any crippled or otherwise physically or mentally handicapped child under 21 . . . has suffered any wound, injury, disability, or condition of such nature as to reasonably indicate abuse or neglect."
7. **Myth.** Responsible professionals who do not report suspected cases of child abuse are liable to be prosecuted and fined.
8. **Fact.** The Society for Prevention of Cruelty to Animals (SPCA) was established in 1866. The SPCC was founded in 1874.
9. **Myth.** Forensic pathology has developed to the point where intentional injuries can be distinguished from accidental injuries with a high degree of certainty.
10. **Fact.** If parents want to change, they can be helped to establish a normal parent-child relationship with professional guidance.

11., 12., and 13. **Myth.** Most offenders are male, and sex offenders can be of any age. Juvenile sex offenders as well as elderly offenders are a part of the offender population.

14. **Myth.** Boys as well as girls are at risk for sexual exploitation. Victims can be of any age. During 1983 at Harborview Sexual Assault Center in Seattle, more than one-third of the 1,200 children seen for counseling were under six years of age. Children are vulnerable to sexual exploitation because of their innocence, trust in adults, size, eagerness to please, and need for affection.
15. **Myth.** Incest and sexual assault are problems in all socio-economic classes. They cross racial, educational, and religious boundaries.
16. **Myth.** Children very rarely make up stories about sexual exploitation. Children speak from their own experience and cannot make up information unless they are exposed to it.
17. **Myth.** In many cases the mother of the family does not know. In the cases where she does know, there are a few reoccurring facts that explain the silence. Some women are being physically abused by the incest offender. One-third of incest victims' mothers were sexually abused themselves as children. Most of them do not have a positive self-image and do not feel they could support the family if the offender were reported.
18. **Myth.** Sexual assaults occur at all hours, morning and night, in crowded as well as in barren places. Sexual abuse occurs most frequently in the victims' homes.
19. **Myth.** The term sexual assault is not just rape, nor does it necessarily involve intercourse. It includes a variety of sex acts such as fondling, oral sex, anal sodomy, masochism, sadism, and verbal or visual stimulation. Exposing is also sexual assault even though no direct touch is involved. Basically, sexual assault is when one person forces, manipulates, or tricks another person into sexual contact.

Development of a Prevention Program in the School

3

Introduction

School districts' child abuse and neglect prevention programs need to address a variety of different aspects of the problem in order to select specific tasks which are appropriate to their legal responsibilities and which enhance collaboration with other systems. In order to ensure that children are properly protected and that families are strengthened, both prevention and intervention is critical. This section furnishes information on prevention programs; more information on intervention appears later in sections 4 and 5 of this guide.

Prevention is concerned with avoiding initial maltreatment. It provides parents with the means to meet the needs of their children without resorting to harsh, abusive behaviors, and to avoid neglecting their children through lack of knowledge or skills. It concentrates on all adults in the community, providing them with parenting classes, support groups, and other social services that are designed to prevent maltreatment before it begins.

School districts should utilize school social workers, school counselors, school psychologists, school nurses, and community agency social workers. In Wisconsin, all of these professionals are trained, some at the master's level, to develop and implement prevention programs.

Components of a Prevention Program

There are four general areas that are important in the development of a school district's child abuse and neglect prevention program. Many educators are familiar with these four areas because they are the same as those used in school improvement. Therefore, educators are able to translate their experiences into abuse and neglect prevention efforts.

Dissemination of information to district staff at all levels supports and increases the understanding of the causes, identification, and treatment of abuse and neglect. It is important to emphasize in this information that the primary goal of child protection is not the removal of children from their homes, but their protection in or out of the home and the provision of treatment for the abusive or neglectful parents. The court will only permit removal of the child when the child cannot be protected in his or her own home.

Development of a clear, workable reporting system between the district and the child protection agency ensures that all suspected cases of child maltreatment are referred for assessment and treatment. Such a system clarifies who must report, where a report should be made, how a report must be made, and what information must be contained in the report.

Full use of internal district resources includes curricula such as protective behavior and parenting skills, extracurricular activities, pupil services, staff relationships with students, and a supportive school climate that displays a concern for the best interests of the students.

Development of interagency agreements establishes the details of cooperation and collaboration between the school and community agencies in delivering services and resources to children and their families. Interagency agreements specify how to access services, the purpose of those services, and the responsibilities of each agency to ensure the effectiveness of the services.

Figure 5, "Twenty-two Ways to Prevent Child Abuse," is an excellent resource to present or disseminate in these four areas of policy development.

Steps to Develop a District Prevention Program

Contact the Local Child Protection Agency

The district should request that the Child Protection Services (CPS) agency assist the school in two specific areas: the development of a working reporting procedure for suspected child maltreatment and a staff development program for school employees. The CPS agency should review with them the model policy and procedure found in this publication (see Appendix C) and modify it for use in the community. While the Children's Code mandates the essential elements of the mandatory reporting process, the actual implementation may differ slightly from community to community. School district policy must include the mandatory reporting elements but should also outline how the district and the child protection system can best interact. The CPS agency's assistance in developing and presenting a yearly inservice to all district staff will continually update the school's information on child abuse and neglect. All staff should attend this inservice and it should be mandatory. The content should include general information regarding child abuse and neglect, the district's experience in the previous year, a brief outline of the local child protection agency program, and a detailed review of the district's child abuse and neglect reporting policy and procedures.

The department strongly recommends that the district work with the CPS agency to develop a comprehensive staff development program that exceeds the current general practice of a one-hour presentation. An extensive presentation by CPS and district staff during a full-day conference at the school should be the basis for staff development in the area of child abuse or neglect prevention. The areas that should be covered are:

- early identification of children who are at risk of maltreatment,
- a thorough explanation and discussion of the Wisconsin child abuse and neglect statutes,
- a careful examination of the district abuse and neglect reporting policy and procedures,
- a discussion of school-based programs for student and parent education dealing with the prevention of abuse and neglect,
- an assessment of the special needs of the maltreated child,
- the school's relationship to parents suspected of abuse and neglect,
- a description of the services that CPS agencies use to intervene and treat abusive or neglectful families,
- the responsibility of educators to participate in basic research into successful educational techniques to be used with maltreated children,
- the practical experience of the district in meeting the socio-emotional needs of children, especially children who have been abused or neglected, and
- the district policy on discipline, including corporal punishment.

Appoint an Internal Committee

This committee would deal with the youth issues affecting the student body. The committee should include the following members: administrator, regular education teacher, EEN teacher, a representative of all of the district's pupil service staff specialties, and at least one school board member. The initial activity of the committee members should be to familiarize themselves with the extent and operation of the school programs related to special problems of students and then develop a needs assessment survey to determine the extent to which district staff believe specific issues are problems for the student body. This group should be charged with developing a coordinated approach for all of the various programs aimed at dealing with these issues (pregnancy, AODA, suicide, dropouts, and others) to discover how they are related causally and how

Figure 5

Twenty-two Ways to Prevent Child Abuse*

Improve Staff-Pupil Interactions

1. Help implement positive behavior management techniques.
2. Know Wisconsin's law prohibiting corporal punishment in public schools and help the school staff become comfortable with more effective methods of school discipline.
3. Work toward establishing a positive school climate.
4. Make sure all coaches, including non-staff coaches, use a positive approach with young athletes.

Improve Handling of Child Abuse and Neglect

5. Keep current on changes in Wisconsin's child abuse and neglect laws and your school's policies, and share them with the school staff.
6. Be alert for signs that suggest child abuse or neglect and help others learn how to recognize those signs.
7. Advocate for and provide staff inservice training on child abuse and neglect.
8. Report suspected cases of child abuse or neglect to your county social services department, and support the rest of the school staff when they report.
9. Establish support groups for pupils who have experienced abuse or neglect.

Enhance the Curriculum

10. Encourage classroom teachers to provide instruction on how children can take care of themselves when parents are not home and they are left unsupervised.
11. Encourage and offer to present sexual abuse prevention information.
12. Encourage and offer to present an "Education for Parenting" course as part of life skills training in junior and senior high school.

Outreach to Parents

13. Encourage your parent-teacher or other interest group to sponsor a parent education series and/or a program on child abuse and neglect.
14. Encourage each staff member to adopt one at-risk child and family per year to nurture.
15. Create a "Tips for Parents at Report Card Time" and insert it in each student's report card.
16. Invite community agencies to donate materials for a "Care Fair" to help parents learn more about available resources and support.
17. Establish regular office hours for visits from parents.

Advocate to Establish and Maintain High Quality Supportive Programs

18. Offer a monthly support group on "Your Changing Adolescent" for parents of middle and high school students.
19. Offer in-school day care for students who are parents.
20. Start a peer helper program in your school.
21. Involve parents, staff, and students in planning pre- and after-school activities, and encourage participation in them.
22. Sponsor a student volunteer program or service club.

---

* Used with permission. For more information, write: National Committee for Prevention of Child Abuse, Box 2866E, Chicago, IL 60690, or contact the Wisconsin Committee for Prevention of Child Abuse, 214 North Hamilton Street, Madison, WI 53703; (608) 256-3374.

For more information:

Alternatives to Corporal Punishment, 29-minute video by the Ohio Center for More Effective School Discipline, available for $10 rental from the Wisconsin Committee for Prevention of Child Abuse, 214 North Hamilton Street, Madison, WI 53703; (608) 256-3374.

Information on improving school climate available from Positive Youth Development, 122 State Street, Suite 310, Madison, WI 53703; (608) 255-6351, Fax: (608) 255-3547.

Hey Coach! Winning Ways with Young Athletes, by Bonnie Hutchins. Free to youth sports programs in Wisconsin from the Wisconsin Committee for Prevention of Child Abuse, 214 North Hamilton Street, Madison, WI 53703; (608) 256-3374.

The county clerk's or local 4-H office has information on "Project Home Safe."

Protective Behaviors, 1005 Rutledge Street, Madison, WI 53703; (608) 257-4855.

Camera-ready copy of "Understanding: The Most Important Grade. Tips for Parents at Report Card Time" is available free from the Wisconsin Committee for Prevention of Child Abuse, 214 North Hamilton Street, Madison, WI 53703; (608) 256-3374.

A free *Child Abuse Prevention Month* packet of ideas is available in December for activities the following April from the National Committee for Prevention of Child Abuse, 332 South Michigan Avenue, Suite 1600, Chicago, IL 60604; (312) 663-3520.

Educators, Schools, and Child Abuse, by Diane D. Broadhurst is available for $3.50 from the Wisconsin Committee for Prevention of Child Abuse, 214 North Hamilton Street, Madison, WI 53703; (608) 256-3374.

the specialized programs in the school and the community can work together more effectively for the benefit of the students.

Conduct a Needs Assessment of School Staff

This allows staff to determine what they believe represents the most needed prevention or referral services to deal with youth issues, including child maltreatment. Survey participants should include teachers, administrators, pupil service staff, parents, CPS workers, supervisors, and administrators. Questions should be easily understood, easily scored, and few in number to encourage a maximum response from participants. See Figure 6, "Youth Issues Needs Assessment," for a model. When the internal committee completes the needs assessment for school staff, compiles the results, and submits it to the school district, their work is complete. It becomes the work of a community Youth Issues Task Force to continue the work of addressing children's needs.

Share Concerns With County Social Services

Youth Issues Task Force

The Youth Issues Task Force is concerned with a variety of high-risk behaviors, such as AODA, suicide prevention, teen pregnancy, and child abuse and neglect. The goal is to coordinate existing resources, establish collaborative approaches to service delivery, and strengthen communitywide prevention efforts.

Districts are urged to explore the need and the feasibility of forming a community or county Youth Issues Task Force. In some counties, community councils or partnerships may exist that could assume the responsibility for addressing child abuse and neglect prevention. Whether the group that takes this responsibility is new or pre-existing, individuals from the following types of agencies should serve: education, social services, mental health, public health nursing, and law enforcement. Representatives from private agencies may be involved, but the focus should be on utilizing publicly funded programs that are currently in existence. The major goals of the Youth Issues Task Force are to 1) verify the findings of the district needs assessment, making necessary modifications to reflect the larger community, and 2) suggest and help develop interagency agreements that would specify how to assess and refer children and families to prevention services. The task force would explore possible ways of developing these prevention resources and suggest them to the appropriate community-governing bodies, such as school boards, county boards, or city councils. Strategies that have a high probability of acceptance would include the following: clearly stated goals related to specific service gaps, carefully delineated roles for specific agencies, recommended procedures for implementing specific agency responsibilities, and a statement of the budgetary impact of the strategy. Existing interagency groups represent the appropriate individuals to design these recommendations. The interagency task force would have the responsibility to address any concerns that the respective governing bodies raise and to develop a way to implement an approach that will secure administrative approval. Figure 7, "Youth Issues Approach," outlines some of the ways to improve or solve problems that affect today's youth and their families.

Child Abuse and Neglect Teams. The child abuse and neglect team is a part of the Youth Issues Task Force and focuses on implementing prevention services for specific families and groups of families.

Each agency involved in child abuse treatment needs to have a clear understanding of the problem's extent and of an effective internal response system. To increase the communications and partnership of these separate systems, many areas have developed community child abuse teams. They are specially trained, multidisciplinary in membership, and function as a communication and coordination network for the community. These teams provide many of the following services:

- review and assessment of community needs and resources,
- advocacy for development of needed services,
- assistance to child welfare agencies in the development of effective local plans,
- development of public awareness for the child abuse problem,

Figure 6

Youth Issues Needs Assessment

Please circle the number that represents the importance of the listed area of need.

Scale:

1	2	3	4	5
No problem No action needed	Infrequent problem Occasional action needed	Developing problem District must begin work on solution	Frequent problem District must continue work on solution	Serious problem District needs immediate, intensive effort to find solution

Lack of parental participation in the educational process
1 2 3 4 5

Alcohol or other drug abuse by students
1 2 3 4 5

Tobacco use by students
1 2 3 4 5

Lack of after-school supervision of students
1 2 3 4 5

Student delinquent or criminal behavior
1 2 3 4 5

Student physical health problems
1 2 3 4 5

Poverty
1 2 3 4 5

Academic performance
1 2 3 4 5

Child abuse and neglect
1 2 3 4 5

Youth suicide
1 2 3 4 5

Student fighting
1 2 3 4 5

Student sexual behavior
1 2 3 4 5

Teen pregnancy
1 2 3 4 5

Poor student nutrition
1 2 3 4 5

Student eating disorders
1 2 3 4 5

Truancy
1 2 3 4 5

General behavior problems
1 2 3 4 5

Other (please write in)

____
1 2 3 4 5

Figure 7

Youth Issues Approach

Issues	Agencies and Programs Required*	Strategies**
Suicide Substance Abuse Violence Delinquent or Criminal Behavior Pregnancy Truancy Child Abuse	Schools Student Assistance Program (SAP) Curriculum	Positive school climate Decision-making skills Peer support (individual and group) Mentor programs Individual and group counseling Parent education programs and drop-in centers Recreation centers, extracurricular activities Tutoring
	Law Enforcement Prevention Police/School Liaison Officer (PSLO) Apprehension	Increased positive contact with youth Directed patrols Mentors for youth Consistent enforcement of related laws Referral to social service and mental health Inservice other professionals and community
	County Department of Social Services Child protection Counseling Home visitation Financial aid Medical assistance	Family investigation/assessments Referrals to mental health, hospital, and other treatment centers Supportive follow-up counseling (individual/family) Children in Need of Protection and Services (CHIPS) court petitions Mentor youth Financial assistance Job training Day care
	Mental Health Clinics Therapy for family and individual Training for other professionals and the community	Outpatient treatment for individuals and families Assessment and referral of individuals and families Community education on mental health issues Consultation with county social services, law enforcement, schools

* Agencies in column 2 have interest in or program to prevent listed issues.

** Strategies listed are examples and not meant to be a comprehensive listing.

- assistance in the identification and development of interagency relationships,
- assistance to education organizations and individuals to identify and report child abuse,
- support for legislation,
- support for and help in publicizing innovative efforts, and
- encouragement of other "issues" committees (for example, sex equity) to include the elimination of child abuse in their program goals.

These teams, like many interagency bodies, need to have clearly delineated goals, a written set of operating procedures, and meetings on a regular basis. The teams are usually composed of representatives from social service, health, mental health, and law enforcement agencies; the legal profession; the general public; government; and, of course, education.

If no team presently exists, someone should call a meeting to organize one. Any interested professional can do this. The school district should designate a person to serve as a representative on the community child abuse team. The school's representative will likely have a primary responsibility in the school's efforts, high interest, and an awareness of the issues. This person will become the communicator between the community-based team and the schools. An administrator and a pupil service professional should be assigned to this task. The school social worker has the specialized training in child welfare that the committee can utilize. School psychologists, school counselors, school nurses, and classroom teachers can also make significant contributions to the committee. The liaison designation should be made clear and included as part of the person's job responsibilities. In order to ensure continuity, the community child abuse team should be able to count on consistent attendance by the same school representative. Continuity of membership builds cohesiveness.

The school's liaison should report regularly to the school staff concerning the community child abuse team's activities. It is vital that each agency clarify its role within the community's broader responsibilities and train its staff to deal effectively with child abuse issues. Communication regarding the various groups' roles and functions should be an ongoing, two-way process. Staff should be made aware of the progress of individual cases and the team's general activities. Gaps in services can be identified and recommendations for new services can be referred back to the community team.

Continue the Process

Schools should continually evaluate their preventive approach, monitor for personnel and resource problems, anticipate new problems, and enhance existing services.

The district is in a position to help community agencies ensure that each person or agency in the community has the best possible knowledge and resources to reduce child maltreatment. The educational expertise of school staff has two specific values in a child abuse and neglect prevention program: it provides educators with a unique professional basis for evaluating the needs of children and their developmental condition; it also represents a direct service opportunity to develop self-esteem and coping skills. The daily contact that educators have with individual students and groups of students allows them to make informed evaluations of the developmental needs of given children. Programs that develop parents' abilities to successfully care for their children can utilize the educator's training and skills in order to cultivate critical resources. Educators are the community's experts in generating, implementing, and evaluating educational curricula. Their input on selecting and presenting various curricula for parenting or child abuse prevention enhances the program's potential effectiveness.

Coordinated programs are usually more successful than individual agency efforts and often do not require major changes when implementing programs for children. For example, the child protection agency might be arranging services for a preschool child and family while the child remains in the family home. The parent disciplines the child very harshly and is unable to describe or employ any other type of discipline except corporal punishment. After referring and assessing the family for possible child abuse, the child protection worker could confer with the local school district's early childhood teacher. The teacher could agree to work with the parent as a role model. The parent could observe the teacher dealing with the entire class for a short period of time before participating as a one-on-one teacher for her or his own child. This approach would allow parents to improve parenting skills and more appropriately meet the needs of their child.

Figure 8, "School Child Abuse and Neglect Prevention Program," shows the expansion of prevention activities from those that affect only an individual family to those that affect all children in the school. The top of the pyramid shows the narrow convergence of an individual report; the large base shows how general prevention activities can positively affect the entire school population. In between the narrow point and the broad base, the activities touch the community, parents, and other agencies as well.

Sample Programs

The School as a Community Service Center

Halperin (1992) describes the value of after-school programming for abused or neglected children and cites the benefits of such an approach. After-school programs include tutoring and help with homework, table games, team and individual sports and games, arts and crafts, movies, holiday activities, special speakers (vocational, self-esteem) and support groups. The program described by Halperin was located in community, rather than school buildings, but it is clear that such a program can be duplicated in school buildings and can be a part of the overall abuse and neglect prevention program.

School buildings are not in use 365 days per year, 24 hours per day. Use of these facilities for recreational activities should be based on a plan that includes adults and students but reflects a greater emphasis on the specialized needs of children and youth. This approach mirrors the growing trend in many communities to examine schools as an evening gathering place. It is rare indeed for all school facilities—gym, shop, classrooms, computer labs, or instructional media centers—to be in use at the same time after the regular school day ends. School buildings may be used for multiple purposes in the late afternoon and evening: adult parenting classes, enrichment classes for students such as shop or computers, job training for parents, extended day care, and youth clubs. Much of this activity is already occurring; however, events that include community agencies more effectively establish preventive services. Maximum use of the school's physical plant represents good public policy. With some flexibility on the part of everyone involved, additional costs and problems due to vandalism, greater insurance, and staffing can be resolved by the community. It is not necessary to locate permanent facilities for community agencies in the school, but if the agencies can share one or two areas in the school, the resulting resources might provide accessible mental health, public health, job placement, and recreational opportunities to a greater number of community members. School districts may enter into joint agreements to allow such programs to develop and allow the school to join in them.

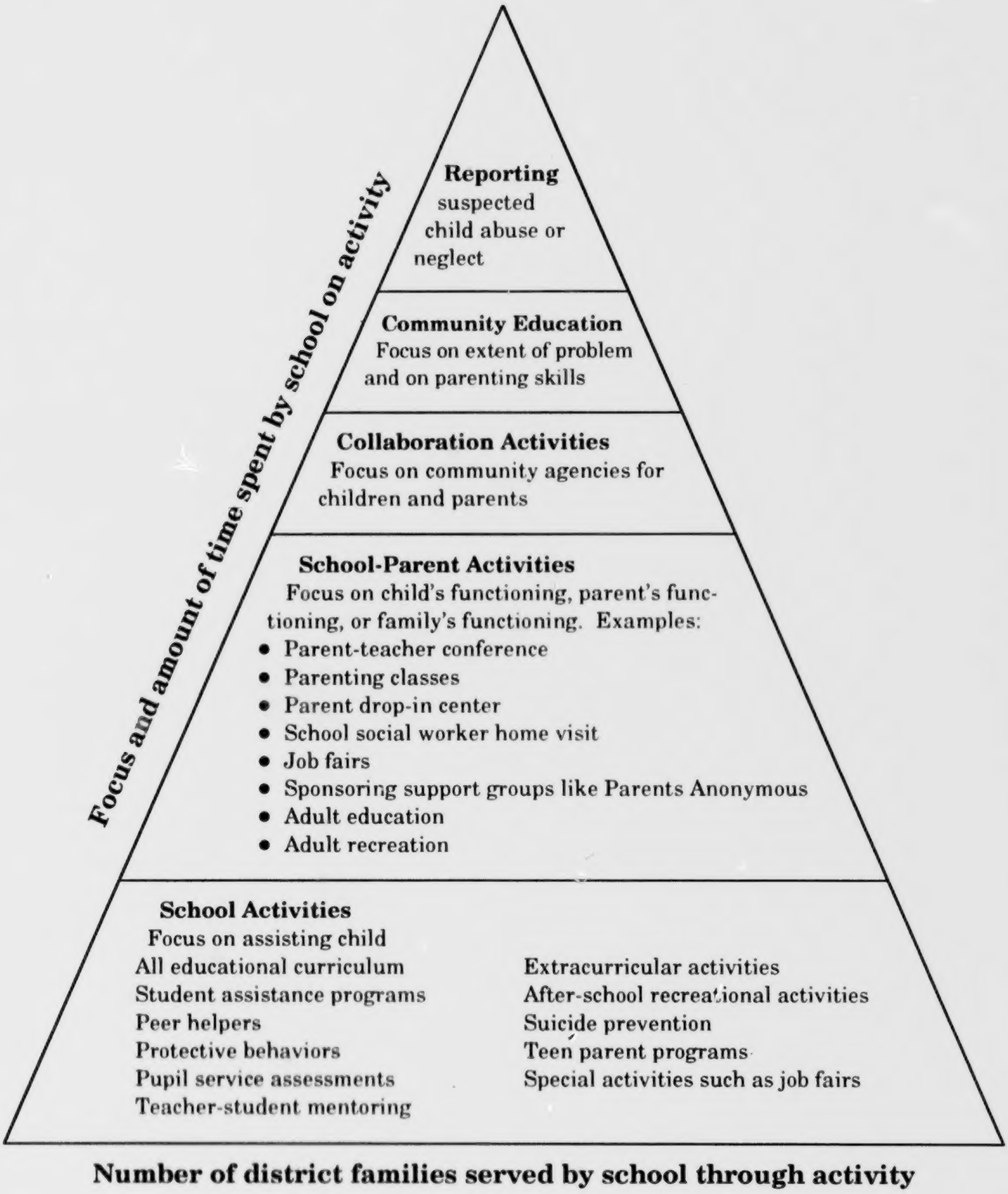
Joint agreements that allow these services to develop must address liability, confidentiality issues, additional costs, and public versus private-agency use of school facilities. Also, the school's role in these programs should not be that of a passive provider of, but of a partner in, the plan and design of the larger approach.

Joint Consultation

The school has a staff skilled in various areas that could also be utilized in service to the community. However, the school staff's value to community agencies is often unseen. School psychologists, school counselors, school nurses, school social workers, teachers, and administrators are in daily contact with children who need child protection services. Although professionals must honor confidentiality considerations, district staff and community child protection workers can frequently work together for the benefit of specific students. Child protection workers and district staff can combine their knowledge and experience and use it to plan recreational programs, support groups, and enrichment experiences for groups of children who are at risk of abuse or neglect. In any matter concerning the school experience of a specific child or a group of children, school staff have a fund of information to share with community CPS workers who are planning for or monitoring the progress of a child. Regular meetings between the two groups will

Figure 8

School Child Abuse and Neglect Prevention Program



Focus and amount of time spent by school on activity

Reporting
suspected child abuse or neglect

Community Education
Focus on extent of problem and on parenting skills

Collaboration Activities
Focus on community agencies for children and parents

School-Parent Activities
Focus on child's functioning, parent's functioning, or family's functioning. Examples:

- Parent-teacher conference
- Parenting classes
- Parent drop-in center
- School social worker home visit
- Job fairs
- Sponsoring support groups like Parents Anonymous
- Adult education
- Adult recreation

School Activities
Focus on assisting child

All educational curriculum
Student assistance programs
Peer helpers
Protective behaviors
Pupil service assessments
Teacher-student mentoring

Extracurricular activities
After-school recreational activities
Suicide prevention
Teen parent programs
Special activities such as job fairs

Number of district families served by school through activity foster joint consideration. Community agency workers who understand the testing and assessment skills of the school psychologist, the career counseling skills of the school counselor, the medical knowledge of the school nurse, and the systems skills of the school social worker will be able to enhance their work with clients who are also students. As with other agencies, the school staff has a specific population that they are responsible for serving in a definitive manner, but they can often serve as consultants to community agency staff. If it is possible to schedule community events or place community resources within the physical walls of the school on a regular basis, the benefit to children and families can be significant. There is an advantage to keeping the staff of both systems in close proximity, and thus increasing the opportunity for staff to work collaboratively.

School Curriculum as Prevention

The West Bend School District has successfully maintained a program entitled "Parent Shadowing" to address the interrelated problems of teen pregnancy, child abuse, and neglect. The program has served over 300 teen parents, and only six have been involved with a subsequent adolescent pregnancy. In 1991, graduates of the program met with the school board to describe the impact of the program on their lives. None had been involved in child abuse or neglect investigations, and all credited the program with teaching them effective child care skills and developing in them an understanding of how to meet their own personal needs without neglecting their children. The accomplishments of these teen parent graduates are remarkable, since nearly all represented a significant risk for both further pregnancy and for maltreatment of their children. Also remarkable is the lack of other problems within the group. These young adults have avoided the problems that teen parents commonly have with the legal system because the program has taught them to reach their own potential without sacrificing the needs of their children.

The program also benefits the lives of another generation, the parents of the graduates, because the help that they receive for their children and grandchildren enhances relationships throughout the family. The creators of the program designed it to support the strength of the family, especially the parents, in helping teens accept the responsibility of child raising. Programs such as this one exist in school districts and communities throughout Wisconsin and are making a significant difference in the lives of students.

Creating a Family Center

The dedication of a resource room within the school for the use of parents or other community adults during the day would open the school to the public in a positive manner. Resources within that room might be pamphlets, notices of support group meetings, books, and audio-visual materials; all of these could be used by visitors free of charge. Regular replacement of materials would be expected and considered a cost of doing the business that helps people enrich their parenting skills. Much of the material could be donated by various community groups whose purpose is to reduce child abuse and neglect. The Wisconsin Committee for the Prevention of Child Abuse is one such group. (See Appendix A) These groups often have materials that they want to distribute to families, and a resource room in a school provides them with an excellent opportunity to do so. The room could also serve as the natural meeting place for parents and school staff when discussing individual children or planning support programs, such as parent education, for larger groups. District staff can, possibly on a voluntary basis, provide professional direction and consultation to parents who use the center. The installation of a "parent center" phone line staffed by school professionals and publicized in the local media would encourage parental use of the resource.

An alternative to using district staff for this project would involve recruiting and training parent volunteers to act as peer support persons for parents who wish to use the resource center. Volunteer training could be accomplished through use of district teaching and pupil services staff or through a collaborative agreement with community agencies.

As parents become more familiar with the school, their participation in the educational process would be enhanced. Other benefits of such an increase in parent involvement with concerned and helpful district staff might be the reduction of violence in both the home and the school setting. The coalitions formed between parents and educators in such a parent center would be well worth the expense.

Providing Satellite Office Space for Community Agencies

Districts might also consider establishing a room for the human service or public health staff to use as a satellite office. The health and social services system could perform many services to students and their families at that location. A satellite office improves the accessibility of the services to people most in need and thus boosts the chance that those services might make a difference in the families' lives. Involvement of school personnel in this action would be minimal and restricted to specific students of joint concern to the educational system and the community agency. The school must consult with district legal counsel to resolve such issues as insurance, rent, and in-kind payments, among others. The district needs to carefully examine any requests by private social service agencies to participate and must establish methods to resolve any conflict of interest. No district funds may be used to pay for services given by the private agency as part of this approach.

School and Business: The Connection

Unemployment creates stress for individual parents, and this stress may contribute to child abuse and neglect. While the school is not able to change the economic reality of the community, it can help individuals deal with learning the employment skills that they need to locate existing jobs. The school might periodically provide space for businesses and for employment agencies to interview potential employees or conduct a job fair. Those agencies in turn might conduct classes for adults and students on how to interview for a job, fill out an application, develop good work habits, obtain raises and promotions, budget money, and ask for help from community agencies for job-threatening problems. In addition, schools and businesses could forge partnerships and create or improve existing programs in job placement, work-training, apprenticeship, school-to-work transition, and work-study. The students who participate in these activities would learn firsthand the importance of many of their current classes. The adults who attend the job fair and the training sessions would have an opportunity to take positive steps toward solving their unemployment problems. The participation of school staff who are skilled in helping individuals select an occupation or training would be invaluable. As consultants, their involvement with adult participants would be critical to the activity's success. The presence of community resource persons from business and from employment agencies would benefit the student body. Such trade-offs would increase services while maintaining their costs.

These specific activities are examples of abuse and neglect prevention because they provide an opportunity for individuals to experience personal success. They become more connected to the community because the community is reaching out to them. Individuals involved in these activities are less isolated, and research has shown that isolation of parents is a common pre-condition of maltreatment of their children. (Garbarino and Sherman, 1978; Polansky, et al., 1979; Hally, 1980)

Figure 9, "Typical Prevention Activities and Potential Agency Roles," shows in chart form the activities and individuals involved in prevention efforts via the school.

School Administrative Efforts

Educators are in an influential position to shape the lives of children and represent what society wishes to pass on to each generation. In their work with children, teachers and other school staff such as cooks, school counselors, maintenance staff, school social workers, and psychologists serve as role models, disciplinarians, mentors, friends, and caretakers. Thus, it is

Figure 9

Typical Prevention Activities and Potential Agency Roles

Prevention Activity	School Activity	Community Agency Activity		
		County Social Services	County Mental Health	Law Enforcement
Mandatory Reporting	Develop policy in support of mandatory reporters on staff.	Receive reports of abuse and neglect. Investigate. Take appropriate action.	Develop agency policy to support mandatory reporters on staff.	Receive reports if CDSS is not available or if child's life in danger.
Parent Education	Establish curriculum. Publicize course. Fund course. Provide: trained staff, space.	Sponsor program. Facilitate (or co-facilitate with school staff). Publicize course. Provide: space, funding.	Sponsor program. Facilitate (or co-facilitate with school staff). Provide: space, funding.	Juvenile officers may co-facilitate group.
Parent Support Group	Provide: space, staff person to convene meetings, funding.	Provide: space, staff person to convene meetings, funding.	Provide: space, staff person to convene meetings, funding.	Not applicable.
Student Support Group	Provide: space, staff facilitator, funding.	Provide: space, staff facilitator.	Provide: space, staff facilitator.	Juvenile officers may co-facilitate group.
Recreation for Students	Provide: facilities, staff, publicity, funding.	Provide: facilities, staff, publicity, funding.	Provide: facilities, staff, publicity, funding.	Provide: staff, funding, planning.
Family/ Parent Support Centers	Provide: space, materials, staff, funding.	Provide: space, materials, staff, funding.	Provide: space, materials, staff, funding.	Not applicable.

appropriate that districts select educators who maintain classrooms that are nurturing and safe in order to help children learn and grow. The responsibility for creating a safe learning environment, which promotes physically, mentally, and emotionally healthy students, rests with the administrator. She or he needs to establish that using verbal abuse, name calling, humiliation, and fear to control students is not acceptable. Districts must eliminate all means of control or discipline that undermine student self-esteem and self-worth.

Screening Staff

Many Wisconsin school districts, serious about protecting their students from potentially abusive adults, have developed sound screening procedures as a part of their normal hiring practice. Districts should be aware the screening does not *ensure* the elimination of abusive staff, but it has proved valuable in reducing the risk. The following screening practices have been found useful by various Wisconsin school districts:

- Conducting an individual interview by more than one district administrator with each candidate whose qualifications meet established requirements. The interview should include detailed inquiries into how the candidate would handle specific situations in the classroom and individual disciplinary practices.
- Inquiring into any "voluntary" leaving of prior positions, as well as threatened or imposed discipline connected in any way to conduct with children. Any gaps in employment should be thoroughly explained and the explanation researched before hiring the individual.
- Checking public records related to child abuse and neglect charges or other criminal convictions. Districts should contact the Department of Public Instruction licensing section to discover if the DPI has ever denied the applicant a license or suspended, limited, or revoked a license in this state and the reason for the denial. Other possible sources of information might be the local law enforcement agency from the applicant's former community. The district should be especially careful of the references of individuals who come from out of state, since child molesters often move from one state to another to avoid prosecution. The other state's licensing agency and out-of-state county and state law enforcement agencies are also useful sources.
- Running a reference check no matter what the history of the applicant. Generally applicants provide only the most positive references. Therefore, the department recommends that the district check *all* past employers and investigate *all* gaps in employment.

All schools must take steps to meet local and state standards regarding the safety and welfare of children, including the selection of staff. Schools, like businesses and organizations, generally exercise personnel practices designed to obtain highly qualified staff. However, the wrong person could be selected, so it is imperative that schools establish procedures and provisions for background checks for any person in charge of children. Adults who physically, emotionally, and sexually abuse children are found in all settings where groups of children gather. This knowledge makes it especially important for school districts to strengthen their hiring practices to include safeguards against such individuals becoming employees.

Policies and Procedures

Informing staff of federal, state, and local program regulations regarding child abuse and neglect provides the district with an opportunity to emphasize its commitment to prevention. Written policies should be available to all staff and cover a variety of related topics concerning student safety, such as:

A code of conduct for staff, which establishes standards for their behavior in relating to children, does two things. First, it underscores for the staff exactly what the district expects of them in regard to how they treat their students. Second, it validates the importance that the staff have in the lives of the students, both in and out of the school setting. Staff should participate in developing the code of conduct and in its periodic review and revision. Such participation makes them a part of the process of helping children, gives them an investment in the code's success, and preserves the reality and integrity of the code.

Investigation of existing staff and employee candidates should be based on policies that delineate when and how the district might investigate individuals as a part of its abuse and neglect prevention program. When a district suspects a staff member of maltreating a child, it should immediately call the child protection agency and the law enforcement agency. District personnel should not attempt to investigate the suspicion or allegation themselves. Further, the board of education should have provisions for suspension or reassignment of the accused staff person until such time as the investigation by the child protection agency or the law enforcement agency is complete. District legal counsel should review these policies and procedures to ensure the protection of the rights of the accused. No statements should be made to the media until the pertinent investigations are complete and the district's legal counsel determines what information may be released without violating confidentiality laws.

Reporting procedures for suspected abuse or neglect need to be clearly stated and available to all staff in printed form. It is important that the school hold a yearly inservice on the policies and review and revise the policies on a regular basis. Section 5 of this guide details the department's recommended reporting policy and procedures.

Procedures for screening and hiring staff previously accused, tried, or found guilty of child assault and neglect need to be coordinated with the Department of Public Instruction licensing section. Individuals who were accused and tried but not found guilty present a particularly difficult situation. They are not guilty, yet questions about their suitability for employment may still remain. The district may independently investigate and, by applying a different standard than that used by the court, still validly determine that misconduct occurred and refuse to hire the applicant. The district must take care to protect the applicant's rights while ensuring the safety of the students. Such candidates must be screened carefully, but their application may not be eliminated on the basis of a suspicion or a past unproved incident. Applicants who have been found guilty are not licensable under most circumstances, and the department can assist the districts in obtaining this type of information.

Confidentiality and the sensitive handling of information on suspected child abuse and neglect victims and their families is critical. Child protection services base their approach on the assumption that parents have the desire and the ability to change their behavior. In order for the family to have the best possible opportunity to use treatment successfully, confidentiality must be provided. It allows them to share vital information with the child protection worker that can be used to help the family and its individual members. Exposing the family or its individual members to public gossip and ridicule through a breach of confidentiality can result in the final destruction of the family. School districts should adopt clear policies as to what information is confidential, what is not, how to obtain limited waivers of confidentiality, and how any staff who breach confidentiality will be disciplined.

Administrator's Role

It is the role of the administrator to follow and implement the district's child abuse and neglect policies in the school. As the educational leader in the school, the administrator determines the tone of the environment.

Individualized attention is a district's best strategy to communicate to abused or neglected students that they have a fair opportunity to succeed. It is not always possible for the classroom teacher to spend all the necessary time with each of these students, but the use of volunteers to tutor or mentor students is an excellent method of meeting their needs. However, depending on supervision and one-to-one access to children, a district should carefully consider how to screen its volunteers. Administrators can facilitate the careful recruitment, screening, and training of volunteers who are selected to match the needs of the children. The program must establish scheduled times, places, and goals for each volunteer.

Volunteer programs contribute to the positive school environment and can help enhance the development of the self-esteem of the student. Even if no direct reduction in the maltreatment of the child is accomplished, improved self-esteem may provide the child with the ability to better survive the situation.

The local administrator has the responsibility to implement inservice training programs on how to recognize and report suspected child abuse and neglect, encourage cooperation with the local child protection agency, develop and implement child protection teams, provide for administrative penalties for failure to report, collaborate with community agencies and organizations in the area of child abuse and neglect, and provide support for school staff and parents involved in reporting child abuse and neglect.

School and Community Networking

Everyone has a role to play in nurturing and protecting children. Educators are in a position to compare and contrast the behavior of children, and often become aware of problematic situations before a crisis occurs. A student may reveal his or her abuse during story time or in a protective behaviors class. Educators, public and private health agencies, mental health agencies, and recreational agencies all have a role to play in helping these children. Educators—teachers, pupil services staff, and administrators—are valuable resources for the community to use on planning or advisory boards. District staff need to make their willingness and availability known to agencies involved with child abuse and neglect prevention. The local, state, and federal politicians and policymakers are dependent on experts from the various professional groups within their constituency to provide them with facts, information, and ideas that may be converted into legislative programs. The role of district professional staff in this area must be increased and improved if effective child abuse and neglect programs are to be developed. For example, it is important that education professionals, including pupil service staff, inform policymakers and politicians when the resources provided to the child protection agencies and to families are inadequate to deal with the problem or to prevent its increase.

Child abuse is a community problem. Staff and community disbelief and horror in the face of abuse or neglect are major obstacles to establishing an effective program. Unacknowledged resistance will slow progress despite the best professional intentions. There is considerable pain involved for everyone in a community in making these situations visible, but the more effectively a community mobilizes and coordinates its resources, the more effective the response will be. When child abuse occurs, it is essential for agencies to trust each other, communicate, and collaborate. From the identification of the problem, through legal action, to treatment and follow-up, an interwoven network of specialized resources must be available and responsive. An effective community response network will operate more quickly and effectively than individual agencies responding independently.

Mentors

Children who survive the stress of abuse or neglect generally benefit from an adult mentor during their childhood and adolescence. Mentors are adults who listen to youth and do not judge or ignore troubled children. They are sincerely concerned with the welfare of young people. Mentors may be a part of an organized group, such as Big Brothers/Big Sisters, Scouts, or church youth groups; or they may be individuals like neighbors, coaches, teachers, or employers. Young people select their own mentors from the pool of available adults. Mentors often change with the needs of the particular child. In fact, young people usually do not select only one adult mentor; they often require many adults to fulfill their needs. As a mentor, the adult is parenting other people's children to a certain degree. In most instances, it is not because the child's parents are inadequate. Rather, adolescents strive towards a freedom that includes independence from parents and family. Most children find mentors or role models for themselves in adolescence in order to mature and develop into independent adults. For abused or neglected children, mentors are crucial because they provide the fundamental care and interest that parents often are unable to give and inculcate in a child the self-esteem necessary to succeed.

The mentor relationship is built on the child's trust in the adult in a given setting. This trust is a key element in the child's normal developmental progress and the foundation of children's belief that they will receive help if they tell a trusted adult about abuse or neglect. A child who has learned to trust an adult will have a better chance for surviving the trauma of abuse or neglect.

While existing resources vary from one community to the next, many communities contain at least some of the key resources in Appendix A.

References

Garbarino, J., and D. Sherman. *High Risk Neighborhoods and High Risk Families: The Human Ecology of Child Maltreatment*. Boys' Town, NE: Center for the Study of Youth Development, 1978.

Hally, Carolyn, N.F. Polansky, and N.A. Polansky. *Child Neglect: Mobilizing Services*. Washington, DC: U.S. Department of Health and Human Services, 1980.

Halperin, Robert. "The Role of After-school Programs in the Lives of Inner-city Children: A Study of the Urban Youth Network." *Child Welfare* 71.3 (May/June 1992), pp. 156-163.

Polansky, N.A., M.A. Chambers, E. Buttenwieser, and D.P. Williams. "Isolation of Neglectful Families." *American Journal of Orthopsychiatry* 49 (1979), pp. 149-152.

Child Service Systems

4

Introduction

The fact that child abuse and neglect are increasing is sobering to contemplate. A variety of systems share the responsibility of developing a preventive approach to the problem while providing protection to those children who may need it. This dual mission rests mainly on three public systems and one private one. Education, social services, and the legal system are the three public systems; private agencies that are sponsored through fees or donations make up the final system. The majority of these private, or collateral, agencies are either philanthropic, religious, or charitable groups.

Each of these four systems has a unique area of responsibility where they must accomplish their mandated mission while forming partnerships with the other three main systems that serve children. The need to establish cooperative and collaborative programming with several agencies and their organizations increases the complexity of serving children. An understanding of the mission and the organizational structure of each of the systems or their agencies is critical to initiating effective prevention and child protection programs in a community. As a foundation for establishing or improving these community programs, this chapter outlines the mission and basic structure of each of the major systems that serves children.

The Educational System

The following definitions or explanations of educational terms may be helpful to professionals in other systems:

At-risk. In education, this term describes students at risk of school dropout. It has a different meaning in the field of child protection.

CESA. Cooperative educational service agencies were formed to ensure that even small districts had the opportunity to provide special services to students at a reasonable cost to the district. Exceptional education classes serving students from several districts are often provided through these agencies if local districts choose to contract with the CESA for that service.

EEN. Exceptional educational needs. A need for special education due to a handicapping condition that is determined by a multidisciplinary team.

FAPE. Free and appropriate public education. Special education and related services provided at public expense, under public supervision and direction, and without charge.

IEP. Individualized education program. A plan which establishes the education program to be provided to a child with EEN.

M-Team. Multidisciplinary team. A team appointed by the school district to evaluate a child referred for having a possible EEN.

Regular education. Programs and curricula that do not involve special or exceptional education.

The parameters of the educational system in today's society are hard to define. It still has the socially assigned task of educating children for citizenship. That task has become more difficult because education is playing a larger role in helping to solve the social problems of society. As the influence of the family has decreased, that of the school has increased. The school has become responsible for teaching youth the skills and the survival techniques that were once taught by the family itself. The societal changes that today's families face expands the importance of the school's assistance to parents in their child-raising responsibilities and reinforces the role that every level of government has in education. Figure 10 visually portrays the roles of the different levels of government that control education.

Federal Educational Role

Constitutionally, the task of educating the population belongs to the state, but defining and protecting the rights of the individual to be educated has been the role of the federal government. In Wisconsin, education is a partnership among local, state, and federal governments. For example, federal laws mandate that certain protected groups receive equal educational opportunities, and the decisions of the U.S. Supreme Court emphasize the power of the national government to ensure educational rights. The Individuals with Disabilities Education Act (IDEA) guarantees the rights of individuals to an equal educational opportunity regardless of handicapping conditions. Since the advent of IDEA's precursor, Public Law 94-142, classes have been expanded to educate exceptional children. In the 1970s, the nation's schools began mainstreaming children where possible and removing architectural barriers to education.

State Educational Role

The state develops laws, rules, and regulations to cover both special and regular education. The state administers reimbursement to the local school districts for the cost of education. Federal tax money has been available to support many of these reforms, but state and local tax funds have also been required. For classes of students protected under federal law, the state is able to implement more comprehensive programs, but it may not provide anything less than what the federal programs require of state participants. Most federal programs are grant programs. If a state does not participate in the program it does not receive funds.

Local or District Educational Role

Local school districts administer the state's educational programs and have significant leeway in designing how these programs are implemented. A growing number of educators and local school districts have responded to the needs of children and their families by expanding the role of the school to include alcohol and drug abuse prevention, suicide prevention, teen pregnancy prevention, school breakfast, at-risk, and other programs. All of these programs and the traditional academic subjects are controlled by an elected board of education, administered by a superintendent and building principals hired by the board, and delivered by teachers and support staff. The board is answerable to the electors in two ways. First, it is elected for definite terms of office and may be voted out of office by those same constituents. Second, the superintendent must prepare, and the board approve, an annual budget that, in the majority of districts, is submitted to the voters for their approval at an annual meeting.

The cost of education is the responsibility of the local districts, most of which receive some reimbursement from the state. Reimbursement varies from district to district and is based on the state's equalization aid formula, which is linked to the value of real estate property in that district and on special categorical aid programs. Through the Department of Public Instruction, the state administers these funds. Then, in conjunction with the federal government, the state sets standards that the local districts must meet to be eligible for reimbursement.

All services that the local districts or the CESAs provide must be educational, or related to

Figure 10 ■

Role Levels of Educational System

Services are provided at local level.

Federal and state role is mostly legislated.

Federal Role

Department of Education

- — defines and protects rights of individual
- — creates laws
- — hears appeals
- — offers grants

State Role

Department of Public Instruction

- —proposes laws and rules to develop administrative procedures to comply with federal laws
- —administers laws and rules to local educational agencies
- —hears appeals
- —offers grants
- —furnishes technical asssistance

Local Role

School district provides classroom education

- —AODA prevention
- —school breakfast
- —at-risk prevention
- —CESA involvement
- —pregnancy prevention
- —school-age parents (SAPAR)
- —suicide prevention
- —pupil services
- —school hot lunch
- —HIV/STD prevention (sexually transmitted diseases)
- —extracurricular activities
- —teacher/student mentors
- —community service programs
- —community/school liaison
- —school/community recreation

education, in nature. The school must not become involved in providing treatment to students or families. Some of the activities of the school district staff are, however, supportive to students with problems. Such activities are aimed at providing students with the best possible opportunity to benefit from education. Other activities of the school district may be preventive in nature. Usually, these will utilize a teaching approach to enhance students' abilities to deal with their situations through developing better self-image and improving decision-making skills. The school must always maintain its primary mission: using the educational process to help students meet life's challenges. For some students this means avoiding or surviving abuse and neglect.

The school is able to become a part of the solution to child abuse and neglect within the normal course of fulfilling its educational mission. Students see their teachers as more than simply teachers, but as adults important to them, especially when encountered in non-school settings. As such, educators play a role that transcends that of teacher. Educators are role models, disciplinarians, mentors, and friends. They represent what society wishes to pass on to its next generation.

Classroom teachers are often the people to whom students reveal their abuse or neglect, through actual conversation or through classroom assignments. Teachers need to be alert to the initial attempts of the child to tell about his or her abuse or neglect situation. An assignment as simple as the story *Hansel and Gretel* or a class period on protective behaviors may result in the child approaching the teacher with a description of an abuse situation. Classroom teachers, because they have the most direct contact with children, should be prepared to act upon the knowledge of possible abuse and understand their role in reporting it.

Most school districts also have pupil services staff who assist students outside of the classroom through school social work, school psychology, school nursing, and school counseling. Pupil services staff generally have contact with fewer students than classroom teachers but develop more intensive relationships with individual students and families. It is clear that students who are at risk academically often are students who come from families where the stress of daily living makes abuse or neglect a possibility. The nature of the contact that pupil services staff have with students is such that a foundation of trust is built so students can come to report abuse or so the pupil services staff members can ask the hard questions that may lead to an abuse or neglect report.

In Wisconsin, school social workers in particular have received special training in child welfare programming and in working with dysfunctional families as a part of their graduate education. Many of these same school social workers have backgrounds in working with child protection agencies and are familiar with the law and its procedures. This combination of training and experience makes them valuable resources for students and for the district in dealing with child abuse and neglect problems. The DPI's *School Social Work: A Resource and Planning Guide* summarizes the role of the school social worker with child abuse and neglect by stating:

> School social workers bring unique professional knowledge and skills to the school system and to the pupil services team. School social workers are not therapists or child welfare workers located in the schools. They are hired by school districts to enhance the district's ability to meet its scholastic mission, especially where a priority on home/school/community collaboration is key to achieving that mission. (Ziesemer, Marcoux, and Davis, 1991)

The school is the only agency that has frequent and ongoing contact with the child, and educators are in a position to observe changes in a child's behavior and performance over time. Because their contact is with groups of children, educators are in a position to make comparisons between a child's behavior and the normative behavior of the child's peers. These considerations make the school a very significant locus for the detection of child abuse and neglect. The particular significance of the school system as it relates to child abuse and neglect might be indicated further by the fact that all school-age children are required to attend school, and thus are known to educators.

The school is involved in child abuse education, prevention, and referral, not only out of concern for the child and the legal obligations regarding mandated reporting, but also because such involvement is in the best interests of the school system and the teachers. Child maltreatment interferes with the learning process for individual children, making teaching more difficult. Problems in the home create problems for the school. Prevention and treatment of child abuse and neglect contribute to the successful achievement of the principal mission of the school—the education of its students. Figure 11 shows the progression of an abuse or neglect report and professional support in the educational system.

The Human Services System

The following definitions or explanations of human services terms may be helpful to professionals in other systems.

Report or Referral. A phone or person-to-person interview, a letter, or other written document that alleges neglect or abuse has occurred or is likely to occur.

Record. Any document relating to the investigation, assessment, and disposition of a report of alleged child abuse or neglect. (Sec. 48.981(1)(f), Stats.)

Mandatory reporter. The person(s) who is required by state statute—sec. 48.981(2), Stats.—to report incidents of suspected abuse and neglect. School professionals listed in that statute include teachers, social workers, psychologists, counselors, and administrators. Some examples of professionals from the other systems would be dentists, chiropractors, optometrists, child-care or day- care workers, physical or occupational therapists, speech and language pathologists, and law enforcement officers. (Sec. 48.981(1)(g), Stats.)

Investigation. The process for assessing the allegations of abuse or neglect, determining if they are substantiated, assessing the likelihood of future maltreatment, and evaluating the safety needs of all children in the home. By statute, the investigation must include observation of or an interview with the child, and, if possible, a visit to the child's home and an interview with the child's parents, guardian, or legal custodian. A thorough investigation generally requires that all caretakers of the child in the home be interviewed and that siblings be interviewed if there is any indication that they may be at risk. Other individuals are interviewed as needed and relevant documents, such as medical reports, may be obtained. By statute, a diligent investigation must be initiated within 24 hours. (Sec. 48.981(3)(c)(6), Stats.)

At-risk. In the field of child protection, this term refers to children at risk of maltreatment. It has a different meaning in the field of education.

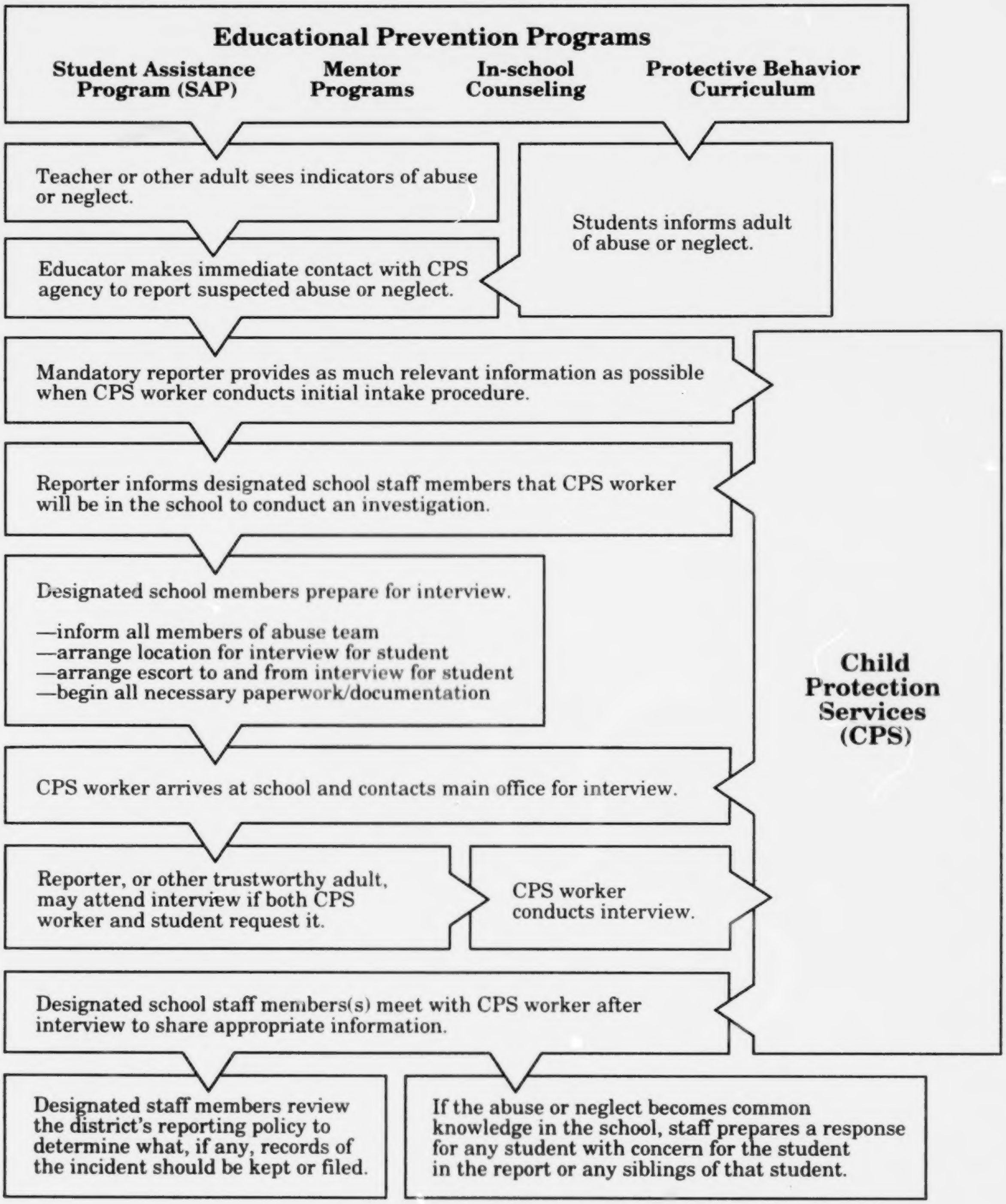
Wisconsin structures its human services system in much the same manner as its educational system. As in education, the federal government initiates laws, passing them to the state to monitor, which the state does at the local level. Federal, state, and local governments contribute to and strictly regulate programs and funding. Federal laws establish the programs and apply the initial standards that states must adhere to as a condition of receiving funds. States may add to these standards, with federal approval, and develop rules that counties must follow to implement the programs. Counties have the power to determine an individual's eligibility for a particular program, but must do so within the limits set by the state and federal governments. It is the county agency that administers the state and federal programs and ensures that services are provided to individuals and families. Figure 12 reflects the roles of the government as they apply to human services.

The Federal Human Services Role

A combination of federal, state, and local laws directs the funding and control of human service programs. For some programs, federal tax dollars provide nearly the entire budget, while others have little or no federal monies attached to them. The best known national human service program is Social Security, which actually contains many programs of its own. The major national responsibility for social service, welfare

Figure 11

Educational System


Educational Prevention Programs
Student Assistance Program (SAP)
Mentor Programs
In-school Counseling
Protective Behavior Curriculum
Child Protection Services (CPS)

Teacher or other adult sees indicators of abuse or neglect.

Students informs adult of abuse or neglect.

Educator makes immediate contact with CPS agency to report suspected abuse or neglect.

Mandatory reporter provides as much relevant information as possible when CPS worker conducts initial intake procedure.

Reporter informs designated school staff members that CPS worker will be in the school to conduct an investigation.

Designated school members prepare for interview.

—inform all members of abuse team
—arrange location for interview for student
—arrange escort to and from interview for student
—begin all necessary paperwork/documentation

CPS worker arrives at school and contacts main office for interview.

Reporter, or other trustworthy adult, may attend interview if both CPS worker and student request it.

CPS worker conducts interview.

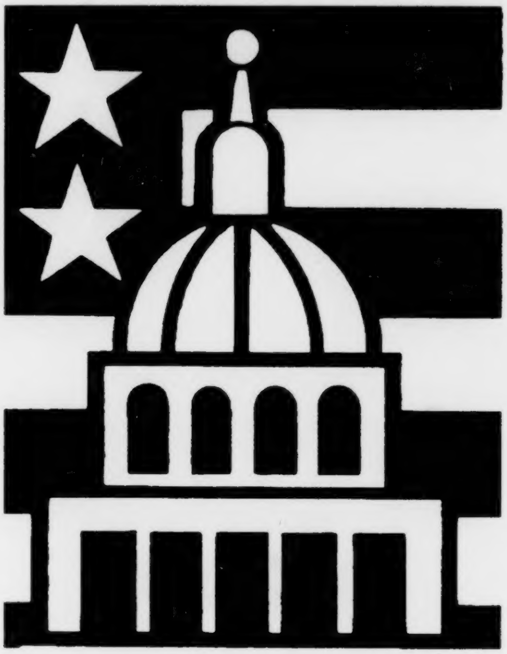
Designated school staff members(s) meet with CPS worker after interview to share appropriate information.

Designated staff members review the district's reporting policy to determine what, if any, records of the incident should be kept or filed.

If the abuse or neglect becomes common knowledge in the school, staff prepares a response for any student with concern for the student in the report or any siblings of that student.

Figure 12

Role Levels of Social Services System



Services are provided at the county level.

Policy is defined mainly at the federal and state level.

Federal Role

Department of Health and Human Services

- protects and advances health of the American people
- creates laws
- hears appeals
- offers grants

State Role

Department of Health and Social Services

- must supervise federal regulations
- proposes new, additional laws
- administers laws at county level
- acts as liaison between federal and county governments
- hears appeals
- offers grants
- furnishers technical assistance
- develops special projects

County Role

Department of Human Services provides

- economic assistance
- social work
- services for the mentally ill, developmentally disabled, and AODA-dependent
- child abuse and neglect prevention and treatment
- foster care
- court assistance for delinquent youth
- services for disabled individuals and the elderly
- services for the mentally ill
- funding sources for vital services
- providers

funding, and standard setting comes from the federal government through the Department of Health and Human Services. The federal government established this department under its original title, Health, Education, and Welfare, in 1953, and originally included education as part of its overall responsibility. Currently, programs in Old Age and Survivors Insurance (OASI), medical assistance, public welfare, and child welfare form the bulk of the department's activity under the Social Security Act. The role of the federal government in these programs (except OASI) is not to determine eligibility and administer benefits directly to individual citizens; it is to determine minimum standards for the states to administer the programs.

The State Human Services Role

State government has a major role in the Wisconsin human services system because it is responsible under federal law to supervise federal regulations and apply them to the needs of the state. The state must develop plans acceptable to the federal government for implementing Aid to Families with Dependent Children, Medicaid, Food Stamps, social services, mental health services, day care, alcohol or other drug abuse services, and other federal programs. The state agency responsible for managing these programs and the federal-state relationship is the Department of Health and Social Services (DHSS).

The DHSS is divided into various divisions that are responsible for specific services. The DHSS does not provide direct services to children and families, rather it supervises the administration of the programs by the local counties. The Division for Community Services is responsible for overseeing the child protection services that county agencies deliver. This division's Bureau for Children, Youth, and Families leads statewide efforts to strengthen local services. The state does this by setting standards and providing technical assistance to the local public agencies. Currently, one-third of the counties in Wisconsin are implementing the Wisconsin Risk Management System (WisRMS), a structured, standardized process for assessing and responding to cases of alleged child maltreatment. State government must assure the quality of the local services and the compliance of the local agencies with state and federal law through regular audit procedures and an appeal process for individuals.

The Local or County Human Services Role

Some counties operate separate departments of social services and community boards, while others have consolidated human services into a set of organizations. The social services departments are responsible for economic assistance and traditional social work services. Community boards serve the mentally ill, the developmentally disabled, and individuals who are drug- and alcohol-dependent. The substantial overlap between these areas of responsibility led the Wisconsin legislature to authorize counties to merge these agencies to improve the quality and efficiency of local human services.

It is the responsibility of county agencies to provide economic assistance; child protection services; social services to families; services for the treatment of drug and alcohol abuse, mental illness, disabilities, and the elderly.

An elected board of supervisors controls the operation of county government. These elected supervisors are then either elected by the other county board members or they are appointed by the county board chairperson to a social or human services board. These citizens set policy and adopt a budget for the agency. The day-to-day operations of the agency are coordinated by a director who is selected by the board.

In order to operate their mandated programs, counties maintain an agency staff that includes a mix of social workers, paraprofessionals, and support personnel. Social workers work directly with individuals and families, attempting to identify their needs and offer services.

The local human services department also has extensive relationships with outside agencies and community groups. These local human services agencies contract with independent agencies who employ their own staff and resources to perform tasks for the human services department. For example, licensed child welfare agencies such as the Children's Service Society sometimes provide foster care. Individual and family counseling might be obtained through the public mental health clinic or through private agencies such as Family Services Agency (FSA) or through a private mental health clinic. Boys' and Girls' Clubs, the YMCA, and the YWCA provide social skills-building experiences. Private day care gives parents some respite as well as the freedom to hold a job. Churches, synagogues, and various food pantries furnish food, clothing, and emergency shelter to those individuals not eligible for public assistance.

In the area of child protection services, county agencies have the principal responsibility to deal with reports of child abuse or neglect. Sec. 48.981(3)(c), Stats. requires the county or its licensed designee to initiate an investigation of any report of abuse or neglect within 24 hours of its receipt by the agency. The number of reports of abuse and neglect has increased significantly, from 5,486 in 1978 to 44,963 in 1991. (DHSS, 1991) The effect of this increase is further compounded because there has not been a corresponding rise in the fiscal and staff resources needed to deal with the problem.

Because of the extent of the various emergency situations that child protection workers and their supervisors experience daily, the importance of accurate, complete, and objective child abuse and neglect reports has increased exponentially. This places a significant responsibility on the reporter to be very clear about the seriousness of the situation so that the child protection worker can properly make an initial assessment of the potential danger to the child. It is important that educators realize the magnitude of the child abuse and neglect problem and understand the legal process which the child protection agency must follow. That understanding can lead to better collaboration between educators and child protection social workers.

The county agency is responsible for determining whether or not a report of suspected abuse or neglect is substantiated. Cases are *substantiated* when there is observable, documented evidence that abuse or neglect has occurred or credible statements to that effect. Cases are also substantiated when threats of abuse or neglect are likely to occur because of behavior—past and present. Cases are *unsubstantiated* when there is no observable, documented evidence of abuse, neglect, or threatened harm, and no perceivable need of services exists. A third category, cases that are *unable to be substantiated*, occurs when child protection workers cannot locate the principal people or when they cannot obtain critical information necessary to make a final determination. The county agency is allowed to come to the school to meet the child and investigate the report without the parents' knowledge or permission. (Sec. 48.981(3)(c)1, Stats.)

Child protection case decisions are made on a "preponderance of the evidence." (Sec. 48.981(3)(c)4, Stats.) This is a "lower standard of evidence than needed for proof in juvenile or criminal court charges. Therefore, a child protection worker may have sufficient evidence to substantiate an alleged child abuse and neglect case, but there may not be sufficient evidence for a juvenile court finding of a child in need of protection or services nor for criminal court prosecution because of the higher burden of proof required." (DHSS, 1991) (Sec. 48.31(1), Stats.)

If a report is substantiated, the social worker may decide to request filing a petition alleging the child is in need of protection or services under sec. 48.13 of the Children's Code. The worker contacts the county's corporation counsel, a lawyer hired by the county to serve the specific needs of the human services programs, or its district attorney to ask that office to file the petition.

Child Protection Services

Throughout a family intervention, the child protection services (CPS) agency's goal is to assure the safety of children and to provide services to families in order to preserve the family unit. Even when children are removed from families, the goal is to provide services and reunify the family. (DHSS, 1991) (Secs. 48.01(1)(b) and (e), 48.33(1)(b), and 48.355(1), Stats.)

Child protection services attempt to support the family unit under the assumption that it is the least restrictive and potentially the healthiest environment for the child. However, the initial assumption of least restrictive may be incorrect. When the CPS agency begins its intervention, the existing family unit may not ensure the safety of the child. In some instances, one or both of the parents may need to be removed to secure the safety of the children. The danger to the child and the desire of the adult to change are the central considerations upon which CPS makes a decision. Removal of the children is the last option the agency or the court wish to take, but it may represent the best interests of certain children.

The principles of child protection services are described in the DHSS *Self Assessment Tool* as follows:

- Most parents desire to be adequate, and those who experience difficulty in parenting can be helped.
- Child abuse and neglect are primarily social problems, rather than legal problems.
- It is best to maintain children with their parents, preserving the unity and integrity of the family, when safety can be ensured.
- Effective intervention requires that Child Protection Services respond in a non-punitive, non-critical manner and offer help in the least intrusive way possible.
- Child Protection Service is most effective when it collaborates and coordinates with other disciplines while maintaining its unique roles and functions.
- The Child Protection Service case process is most effective with family involvement and participation.
- A priority of agency involvement is making available to parents the necessary services and resources that will support and strengthen their capacity to carry out their parental obligations. These include resources to meet basic needs as well as supportive and therapeutic resources. For a graphic depiction of these principles, see Figure 13.

CPS provides the majority of services to children and families who are subjects of substantiated reports. However, many families receive services other than a protective intervention on a voluntary basis. These services exist to help change conditions in the family that cause potential harm. In substantiated cases, "the child has been determined to be in need of protective intervention or there is an ongoing need for protective services among the principals of the report." In unsubstantiated cases, the offered services may "reduce stress and prevent potential child maltreatment by increasing the family's ability to function." (DHSS, 1990)

Ongoing Treatment Services

A major responsibility of the child protection services agency is to "coordinate the development and provision of services to abused and neglected children and to families where abuse or neglect has occurred or to children and families where circumstances justify a belief that abuse or neglect will occur." (Sec. 48.981(3)(c)7, Stats.) The intent is to provide services to families so that children can remain safely at home or be returned to their homes as soon as possible. Services must also help parents learn how to meet their children's needs. The services must effectively monitor safety, risk reduction, and treatment progress. Some services may begin during the investigation, if the worker perceives a problem that needs an immediate response.

The social worker provides direct counseling services and, with the family, develops a service plan that identifies the goals, objectives, and tasks to be completed within specific timeframes and by specific people. Often the service plan includes involvement with other community agencies, such as mental health providers, AODA treatment programs, and day care. If there is a court order for supervision, the specific court requirements must be addressed and completed before the order can be vacated. The child protection agency may close the case once the situation improves and the children are safe, but the family may continue to receive community services. If at any time during treatment a worker believes that there is an unacceptable risk to the children, the worker may file a court petition in order to place the children in foster care.

Substitute Care Services

Foster care, group care, or placement in an institution are all forms of substitute care. Substitute care can occur at any point when the CPS agency is active with the family, during investigation or treatment. When it is possible, children are placed in substitute care using voluntary parental agreements for up to six months. These types of placements do not require court involvement. They are useful when the possibility of successfully working with the family is high, and the agency feels it is likely that the family

Figure 13

Child Protection Principles and Their Implementation

Principle	Goals	Method	Activity
Most parents wish to function adequately. Parents who do not can be helped.	To empower parents to function within acceptable limits as nurturing adults for their children.	To provide resources to parents that will assist in developing their parenting abilities.	Casework services that encourage parents to develop appropriate skills. Parenting skills class. Respite. Parent support group.
Child abuse and neglect is a social, not a legal, problem.	To avoid utilization of the court unless the danger to the child requires protection through the power of the court. To establish a social work plan to resolve the child maltreatment problem.	To assess family situation for strengths. To assess child's need for protection. To evaluate family and child's ability to utilize treatment modalities. To develop social treatment plan in lieu of court action if possible.	Family counseling. Individual therapy for parents and/or children. Day care. Job counseling and/or placement. Vocational preparation.
Non-punitive intervention that is as unintrusive as possible works the best for all concerned.	To avoid use of law enforcement and courts whenever possible. To encourage the maintenance of family ties.	To support positive parental attitudes and attributes to family and community. To seek parent and family agreement for interventions. To empower parents to utilize new parenting skills.	Counseling with parents on meeting their needs and needs of child. Modeling appropriate adult/child relationships.
Collaboration and coordination with other agencies enhances child protective services effectiveness.	To establish a unified approach to helping families and enhancing child protective services. To utilize a maximum number of appropriate community resources for children and their families.	To coordinate joint agreements regarding child protection-related functions.	Interagency committee. Mutual consultation or share concerns. Joint inservices. Interagency referrals.
Family involvement and participation is essential to child protection.	To enhance the parents' parenting role.	To involve the parents and children in identifying problems and establishing an appropriate treatment plan.	Provide access to and help in obtaining: Counseling Financial assistance Employment Adequate housing Legal services Etc.
	These examples illustrate some of the efforts that a child protection worker might make to assist a family develop or regain its ability to function effectively. If these efforts fail, removal of the child remains a possibility.		

will be reunified within a relatively short time. These types of placements are not typical.

Involuntary substitute care services require a court disposition before placement in a foster home, relative's home, or residential treatment center. The mission of substitute care services is the temporary placement of children with the goal of family reunification, connectedness, and permanence.

The choices of the child protective services for permanent plans are (from least to most severe)

- return home,
- relative placement,
- long-term foster care,
- sustaining care (agreement signed for foster care),
- independent living (children over 16 years),
- termination of parental rights and adoption.

The parallel between the child protection process and the educational process is clear. As in protective services, the educator is trained to assess the educational needs of the individual student, determine the specific educational intervention needed (regular or exceptional education), prescribe the appropriate intervention, and conduct an ongoing evaluation of the response which the student makes to the intervention to allow for necessary adjustments. Both fields utilize a sound knowledge base, but must apply that base to individuals in a manner best described as "art." The skill of these professionals is best evaluated less on how well their *initial* interventions work, to the benefit of an educator's student or a social worker's client, but on how accurate an assessment of each intervention's *overall* effect is on the student or client. The professionals' willingness to initiate alternative interventions when so indicated is as important as their initial judgments. Figure 14 lists some of the services that provide these alternatives.

Figure 15 depicts the flow of action in the human services system when suspected neglect or abuse is reported.

Legal Systems: Role of the Court

The following definitions or explanations of legal terms may be helpful to professionals in other systems.

CHIPS. Children in Need of Protection or Services. An official legal status applied to a child and determined by the court, on the basis of a petition and consequent court hearing.

Children's Code. Section 48 of the Wisconsin Statutes refers to all of the responsibilities of

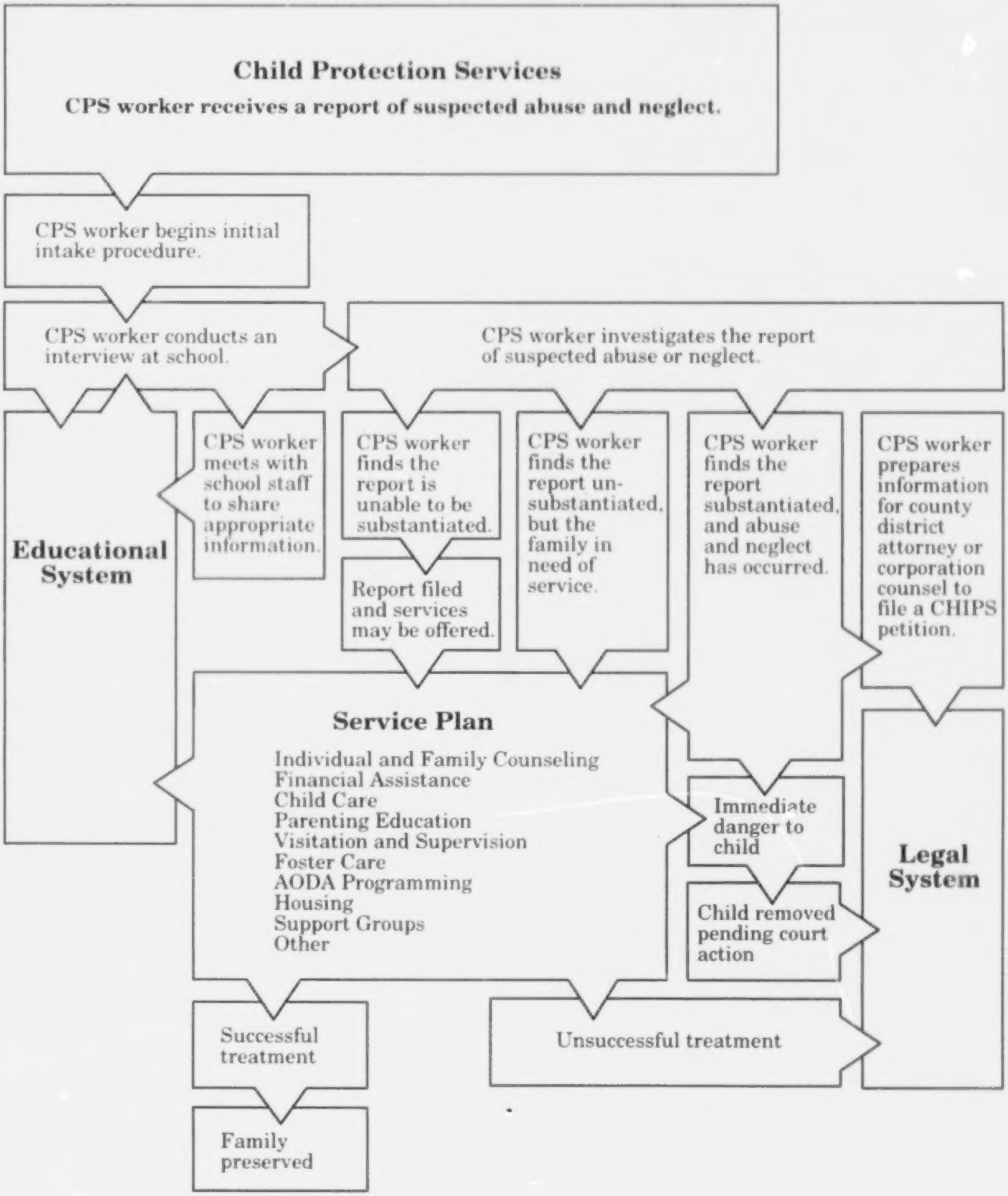
Figure 14

Various Treatment Services Provided at the County Level

Day Care
Respite Care
Parenting Education
Probation Services
Homemaking Services
Educational or Vocational Services
Emergency Out-of-Home Care (short-term)
Temporary Shelter (short-term)
Health Services Referral
Financial Assistance
Diversion Programs
Group Counseling
Lay Therapy
Legal Services
Recreation Program
Housing
Individual or Family Counseling
Placement with Relative (short-term)
Placement with Relative (long-term)
AODA Counseling and Evaluation
Medical Assistance Management Services
Visitation and Supervision
Transportation and Coordination
Funding
Self-help and Support Groups
Parent Aide

Figure 15

Human Services System


Child Protection Services
CPS worker receives a report of suspected abuse and neglect.
CPS worker begins initial intake procedure.
CPS worker conducts an interview at school.
CPS worker investigates the report of suspected abuse or neglect.
Educational System
CPS worker meets with school staff to share appropriate information.
CPS worker finds the report is unable to be substantiated.
Report filed and services may be offered.
CPS worker finds the report unsubstantiated, but the family in need of service.
CPS worker finds the report substantiated, and abuse and neglect has occurred.
CPS worker prepares information for county district attorney or corporation counsel to file a CHIPS petition.
Service Plan
Individual and Family Counseling
Financial Assistance
Child Care
Parenting Education
Visitation and Supervision
Foster Care
AODA Programming
Housing
Support Groups
Other
Immediate danger to child
Child removed pending court action
Legal System
Successful treatment
Unsuccessful treatment
Family preserved

individuals and agencies, both public and private, to report and deal with child neglect and abuse.

Corporation counsel. An attorney employed by the county social services system to assist in legal matters, especially those pertaining to court proceedings.

Guardian ad litem. An attorney appointed by the court to protect the rights of the child during a court hearing.

Juvenile Court (or CHIPS) proceedings. A series of hearings to determine if a child is in need of protection or services, and if so determined, to order specific protections for the child and services for the child and family. No charges are brought against parents in these proceedings and no judgment is made as to any party's guilt or innocence in causing harm to, or endangering, the child.

Juvenile officer. A police officer assigned to deal with strictly juvenile matters and cases.

PSLO. Police/School Liaison Officer. A police officer assigned to the school district, with the district's concerns and issues as her or his primary responsibility. This assignment is jointly delineated and controlled through an agreement between the school district and the law enforcement agency.

Purpose

The ultimate goal of child protection services is to promote the well-being of children. Ideally, children can remain with their families and find their way to a happy, healthy life together. In the unfortunate cases where that is impossible, though, the law provides a means of making a substitute family available.

County Corporation Counsel or District Attorney

The county brings child protection actions under secs. 48.09(5), 48.13 and 48.25, Stats., before the court either by its district attorney or corporation counsel. The district attorney represents the interests of the public; those interests include child welfare matters. The county employs the corporation counsel to serve the specific needs of the human service programs, including child protection.

The attorney who is responsible for the matter reviews the social worker's report to determine whether there is sufficient basis for filing a CHIPS petition. The decision whether or not to file a petition is within the discretion of the attorney.

The CHIPS Court Process

If the attorney decides to file a petition, he or she incorporates the facts gathered by the social worker into a petition in the form prescribed by law. In unusual circumstances, a CHIPS petition may also be filed by an attorney for a parent, relative, guardian, or child. (Sec. 48.25(1), Stats.) The petition describes the circumstances that form the foundation of the agency's belief that the child has been abused, neglected, or is otherwise in need of protective services. The petition is first filed with the Clerk of Circuit Court, and then served on the entire family, both parents and child. The court scrutinizes the family as a whole, not just the situation of the parent or of the child. The court schedules a plea hearing where the individual family members indicate whether or not they contest the petition. A CHIPS petition is not a hearing to determine guilt or innocence, but a review of the facts of the matter and of the action taken up to that point.

At this point, no legal decision to take action has been made, but the court's decision-making process has begun. The judge must listen to all the parties involved: the parents, the child, and the social worker from the child protection agency. The court's process must consistently protect all the legal rights of each party, because the abuse cited in the petition is an unproven allegation unless the abuser admits to it. The family's status as an intact unit does not change until the judge orders other living arrangements.

If the alleged abuser admits to the abuse at this point, the possibility of successful treatment and strengthening of the family is improved. The courts and the child protection agency can use the emotional trauma that the abuser and the rest of the family experience as they face the legal system to motivate the abuser to change through a treatment program. If any of the individual family members contest the petition, a pre-trial or fact-finding conference is set.

The legal system has the task of protecting the child through legal procedures while safeguarding the rights of due process for everyone involved in the case. When a child is under the age of 12, the attorney appointed to represent the child's interests is the guardian ad litem. The guardian ad litem's role is to decide upon and represent the child's best interests. This does not always mean doing what the child specifically wants. A child who is age 12 or older may request a second lawyer, an adversary counsel, who will represent the child's wishes. Most children are eligible for representation without charge by the State Public Defender. Parents must obtain their own attorney either through the Public Defender's office if they are eligible, or with their own funds.

At the pre-trial conference, the parties try to work out an agreeable solution that meets the family's needs. If an agreement can be reached, the matter is scheduled for disposition. If no agreement is reached, the court sets a fact-finding hearing for trial of the allegations in the petition.

The fact-finding hearing is a civil trial held to determine whether or not the allegations of the petition are true. The adversarial process is used to determine the circumstances and the appropriate legal remedy. The parents or child have the right to demand trial by a jury. At the hearing, the county presents its case and the parents and child have the chance to present their evidence. The burden of proof is on the county. The parent, child (if appropriate), CPS worker, and other additional relevant witnesses are expected to testify. The county must prove the child is in need of protection or services by clear, satisfactory, and convincing evidence. This is a lower standard of proof than required in adult criminal cases or juvenile delinquency cases.

If the county fails to prove its allegations at the hearing, the case is dismissed. But if the county proves the petition's allegations, the case goes to disposition. At disposition, the court decides what services the child and family should receive. (See Figure 14.) The social worker who handles the case for the county agency prepares a written report for the court summarizing the family's history and needs. The social worker concludes with a suggested plan of services, and parents or child have the opportunity to argue for different services than those recommended by the worker. Among the most common services ordered are

- placing the child on supervision. This allows the county to monitor the child's condition and, potentially, set rules for the child's conduct.
- placing the child in substitute care. The court may decide that problems are too serious to be remedied while the child remains in the home. The court can place a child with relatives, with foster parents, in a group treatment home, or in a child caring institution.
- counseling or psychotherapy for the parents and/or child.
- parenting, nurturing, and homemaking skills training.
- participation in outpatient evaluation and treatment for alcohol and other drug abuse.
- attendance at school.
- participation in outpatient evaluation and/or treatment for mental illness or other emotional problems.
- child day care and/or in-home supervision.

Court dispositional orders may require specific changes in conditions that parents must complete in order for their children to be returned to them. (Sec. 48.38(4), Stats.) The court also gives specific instructions to the CPS agency, and these instructions control the plan of service for the children. When a child is placed outside the home, the child protection agency must develop a permanency plan that ensures the agency's commitment to a course of action that guarantees the child's security. At this time, the court must review and accept the permanency plan. The parents are warned that failure to complete the court-ordered conditions can result in the termination of their parental rights. (Sec. 48.356(1), Stats.) The court orders are often for one year (the maximum length allowed) without an extension, but the court can return children to parents during that year if the parents meet the court's conditions. Although the court has the ultimate authority over the child's legal custody, the CPS agency has considerable discretion in modifying the court-ordered services. However, the court must receive notice of any changes in its orders. (Sec. 48.357, Stats.) Both parents and child protection workers must be involved in the decision-making process.

Once there is a disposition, the permanency plan for the children must be reviewed every six months either by the court or by an administrative citizen review. Although every permanency plan is created for the individual child, each plan has two standard purposes—providing practical assessment and direction while reflecting the state's philosophy that children's emotional as well as physical needs must be met. The plan includes an evaluation of how the agency intends to guarantee a permanent living situation for children in its custody. (Secs. 48.38(5)(a) and (b) and (c), Stats.)

Closure of Cases

During the time an order is in effect, the county agency staff reviews the case regularly. During the review, the staff takes note of progress made by the family and highlights areas where concerns remain. Reviews ultimately lead to the decision to either allow the dispositional order to expire or to be extended for another year.

Closure of a case can occur when services have addressed the major risk factors that led to the CHIPS order: if parenting classes resulted in an improvement of inadequate parenting skills, or if a parent was successfully treated for alcohol or drug abuse. If the family demonstrates the desired changes then the court may release the family from child protective intervention. Sometimes, however, services do not produce desired results. When this occurs, the county agency generally seeks to extend the order for another year to give the services more time to work. At some point, however, if services are not effective the county agency may decide that the child's needs are best served by ending the parental relationship through termination of parental rights.

Termination of Parental Rights

Terminating a parent's rights to a child is one of the most drastic actions the law can take against a person. If the court terminates a parent's rights, the parent is legally a stranger to the child. The child can be adopted by other parents and no longer has any legal relationship to the natural parent.

Because of such drastic consequences, the laws allowing termination of parental rights make it difficult to obtain. Termination of parental rights requires a petition specifically alleging the reason for the termination. Wisconsin law recognizes several reasons: abandonment of a child by the parent, serious and ongoing physical abuse of the child by the parent, continuing need of protection and services by the child, continuing disability of the parent, continual denial of visitation rights to another parent, failure to assume parental responsibility by a parent, and incestuous parenthood.

Parents can voluntarily terminate their rights if they can establish their inability to meet their responsibilities. One parent can also bring an action to terminate the rights of the other parent, against his or her wishes.

To protect the rights of parents, the law allows them to demand a trial by jury. The petitioning party must prove its case by clear, satisfactory, and convincing evidence. The evidence must be enough to satisfy the jury that the most basic bond between human beings should be severed. Termination of parental rights is a last resort.

In actions brought by the state, after the parental rights of the natural parents have been terminated, the child becomes a ward of the state. Usually, the state attempts to find adoptive parents for the child. In rare instances, the state may simply place the child in long-term sustaining care until the child reaches adulthood. The general and pervasive reluctance of the community and the court to seek or make a determination of termination of parental rights underscores a basic belief in society in the sanctity and value of the family.

Law Enforcement

The local law enforcement department is potentially a strong ally to the court in dealing with child abuse and neglect. The law allows the mandated reporter to notify law enforcement if it is not possible to contact the child protection agency or if the child's life is in danger. Law enforcement officers have the power to arrest family members if the abuse is in progress or if protection of the child and the remaining family necessitates removal of the abuser. If the situation includes alcohol and drug abuse, suspected mental illness, or an emergency situation exists where delay would be harmful to the parties involved, the officer may use emergency placement powers until either a parent or child can be examined by a psychiatrist. In situations where these conditions are associated with child abuse and neglect, removal of the parent or the child might represent an appropriate child protection response. Police officers may take a child into custody when "the child is suffering from illness or injury or is in immediate danger from his or her surroundings and removal from those surroundings is necessary." (Sec. 48.19(1)(d)5, Stats.) They then deliver the child to a court-appointed intake worker for the county, who generally arranges for appropriate temporary placement of the child.

Yet, arrest powers are not the only means that the officers have to protect children. Recently the role of the police has expanded throughout many communities, and officers often come to schools for crime prevention, not just crime investigation. Programs such as Officer Friendly, Drug Awareness Resistance Education (DARE), and Police/School Liaison Officer (PSLO) are examples. These programs attract well-trained officers who are interested in young people. The result of the officers' training and motivation is that it allows students to perceive the police as mentors and friends. Students feel more free to approach them with self reports of maltreatment. The law enforcement officer's role becomes one that is well-defined and well understood by students. In the performance of their duties, the officers establish a record of dealing with problems in a predictable and consistent manner, while protecting the rights of individuals. This record encourages trust in the minds of the young people and encourages them to confide in the officer. Figure 16 presents a graphic portrayal of the legal system that educators may find helpful, and Figure 17 indicates the progression of a report of suspected child abuse or neglect in the legal system.

Collateral Agencies

The primary collateral agencies that can and should be involved in child abuse and neglect prevention and intervention programs are

- hospital clinics,
- mental health agencies,
- private therapists,
- rape crisis centers,
- parent aide programs, and
- family support programs.

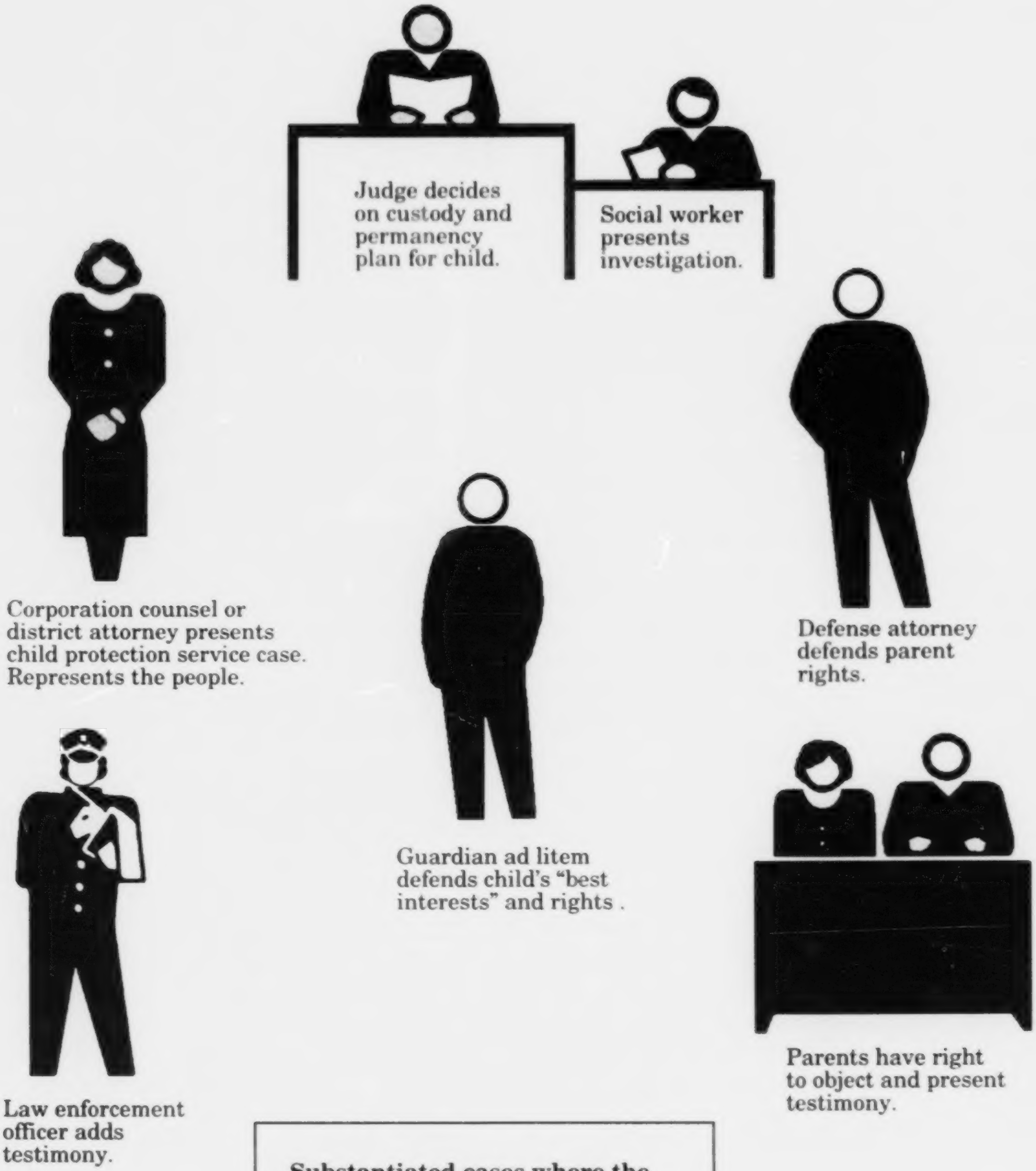
Collateral agencies are sponsored by private organizations who provide financial support and administrative direction through an elected or appointed board. They set their own eligibility criteria for accepting clients and tend to specifically define their area of interest. The historical role of collateral agencies such as the YMCA and the YWCA, Neighborhood Houses, Family Services, Children's Service Society, and Parents Anonymous has been to provide services that public agencies do not generally offer because of various funding limitations. Collateral agencies have the freedom to experiment with new services and to develop them over a period of years. At some point, public agencies often adopt these developed services for their own programs.

The value of the collateral agencies in the field of child abuse and neglect prevention becomes evident at two points. First, if a social worker or school staff member recognizes that a family is at a high level of risk—before evidence of abuse or neglect exists—they can refer the family to one of these collateral agencies to *prevent abuse or neglect from occurring*. The Children's Code does not designate collateral agencies to receive reports of, nor to investigate, suspected child abuse and neglect. The agencies lack the authority to force a family, or any other individual or agency, to cooperate with an investigation.

Second, if the abuse and neglect has occurred, the services available through collateral agencies can become an important part of the *treatment plan* for the abused child, the abuser, and the entire family. Each of these community agencies represents a potential resource for an individual child. They provide valuable treatment for resolving many of the emotional problems individuals in abuse and neglect situations experience. The recovery of a child from abuse and neglect is

Figure 16

Role in the Legal System



Judge decides on custody and permanency plan for child.

Social worker presents investigation.

Corporation counsel or district attorney presents child protection service case. Represents the people.

Defense attorney defends parent rights.

Guardian ad litem defends child's "best interests" and rights .

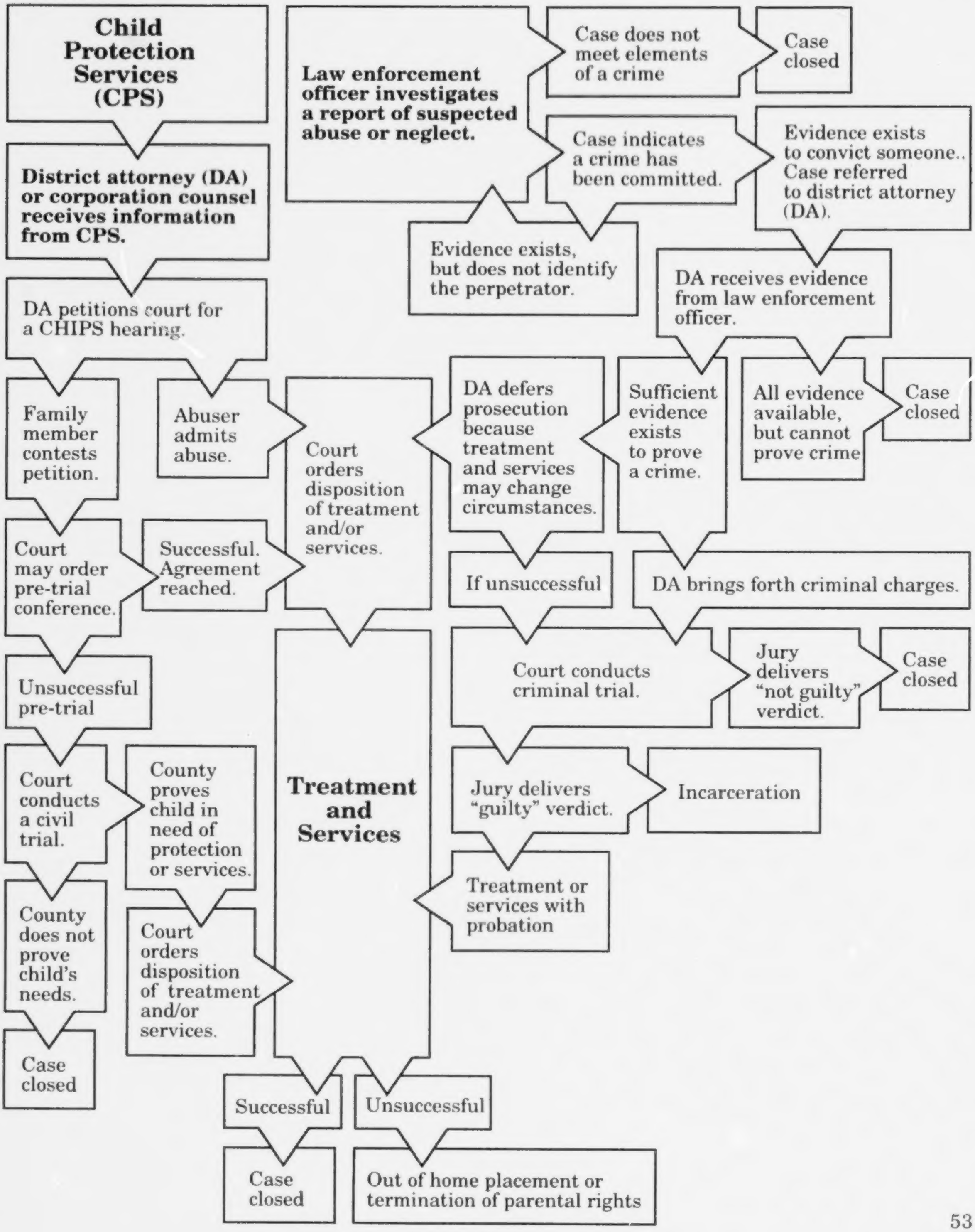
Law enforcement officer adds testimony.

Parents have right to object and present testimony.

Substantiated cases where the danger to the child cannot be dealt with in the home are dealt with by the court through CHIPS petition.

Figure 17

The Legal System


Child Protection Services (CPS)
District attorney (DA) or corporation counsel receives information from CPS.
DA petitions court for a CHIPS hearing.
Family member contests petition.
Abuser admits abuse.
Court may order pre-trial conference.
Successful. Agreement reached.
Unsuccessful pre-trial
Court conducts a civil trial.
County proves child in need of protection or services.
County does not prove child's needs.
Case closed
Court orders disposition of treatment and/or services.
Law enforcement officer investigates a report of suspected abuse or neglect.
Case does not meet elements of a crime
Case closed
Case indicates a crime has been committed.
Evidence exists to convict someone.. Case referred to district attorney (DA).
Evidence exists, but does not identify the perpetrator.
DA receives evidence from law enforcement officer.
Court orders disposition of treatment and/or services.
DA defers prosecution because treatment and services may change circumstances.
Sufficient evidence exists to prove a crime.
All evidence available, but cannot prove crime
Case closed
If unsuccessful
DA brings forth criminal charges.
Court conducts criminal trial.
Jury delivers "not guilty" verdict.
Case closed
Jury delivers "guilty" verdict.
Incarceration
Treatment or services with probation
Treatment and Services
Successful
Unsuccessful
Case closed
Out of home placement or termination of parental rights

often impossible without the therapy these agencies are trained to give.

It is inappropriate for the school to initiate a referral to any of these resources without concurrence of the parents. The school should wait to make a referral until the mandatory reporter receives notice that the ongoing child abuse or neglect investigation is completed.

As a part of the investigation, the child protection worker may need the results of a physical examination in order to establish physical injury or sexual harm for the purposes of court action. The physical effect of the abuse and neglect must be addressed, and the health professionals of the hospital and medical clinics are often needed to return the victim to good health. The effect of any abuse and neglect on the victim and the rest of the family often makes the child protection worker's referral to mental health resources, and rape crisis centers in the case of sexual abuse, necessary to ensure improvement of the situation. These services and assessments should be made by the child protection worker as a part of his or her ongoing responsibilities for the protection of the child. The school staff will want to be a part of these referrals because of their interest and concern for the student. They often can be instrumental in making these referrals a positive experience for the child.

Use of these collateral resources is generally a part of the post-investigation treatment plan that the child protective agency develops in conjunction with the family or with the court. In some instances, the role of the school in the case of substantiated abuse or neglect cases is to help facilitate the treatment plan in any manner possible. Educators can listen to students who are recovering from abuse or neglect; they can adjust the academic and behavioral expectations of the victims; and with court direction or parental permission, they can regularly share pertinent information with the child protection worker. Most importantly, they can provide objective observations on the effect of the treatment programs on the victim, and in some cases the family, which are invaluable in evaluating its effectiveness. It is appropriate for the educator to suggest to the child protection worker or to the family that the services of a collateral resource are needed.

Summary

Districts that establish a liaison staff with the county child protection agency, law enforcement, and the collateral agencies more effectively meet the educational, social, emotional, and physical needs of the abused or neglected student. The successful referral, protection, and treatment of students who have experienced abuse and neglect depends on each separate child-serving system's understanding of all the other systems involved. This mutual understanding allows the separate systems to establish working, collaborative plans that benefit children and families. The emotional trauma of abuse or neglect can be eased and better managed by the child if the responsible agencies offering help are sensitive to the effect their combined efforts have on the student. For a perspective on the connections among *all* the agencies, see Figure 18.

References

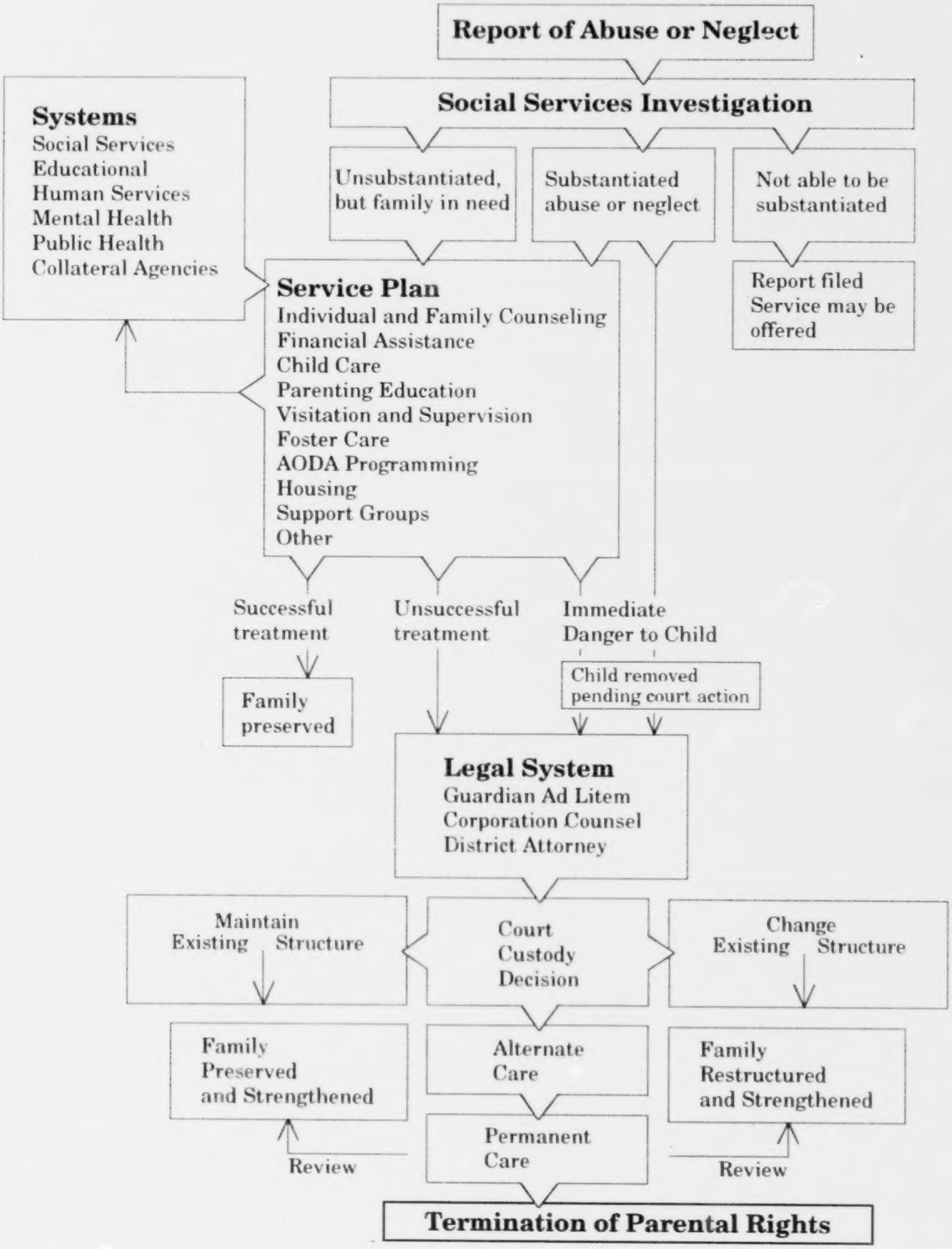
Wisconsin Department of Health and Social Services. *Annual Report on Child Abuse and Neglect*. Madison, WI. 1990.

Wisconsin Department of Health and Social Services. *Annual Report on Child Abuse and Neglect*. Madison, WI. 1991.

Ziesemer, Carol, Louise Marcoux, and I. Lorraine Davis. *School Social Work: A Resource and Planning Guide*. Madison, WI: Wisconsin Department of Public Instruction, 1991.

Figure 18

Intersystem Flow Chart



Reporting Suspected Child Abuse or Neglect

5

Introduction

There are two fundamental types of elements to a school's abuse and neglect reporting policy, one legal and one transitional. Legal elements regulate the actions of individual staff members and the school administration. Transitional elements recommend procedures that will develop or improve effective interaction between the local CPS agency and the school in order to create a smooth transition that benefits the child at the center of a crisis.

The legal elements cover the "musts": the timeframe, content, and form of the report; they also specify the administration's disclosure, confidentiality, and recordkeeping procedures. Wisconsin law defines all these procedures and does not allow anything to supersede the legal mandate to report suspected neglect or abuse. (Secs. 48.981(2) and (7)(a)(1-14), Stats.)

The transitional elements refer to the "mights": in contrast to the strict state and federal mandates, schools can craft the transitional elements of their reporting policies to reflect the environment, style, and needs of the individual community. The transitional element of a school's reporting policy defines how the district shifts the *legal* responsibility for the child's immediate welfare from the school to the CPS agency. The transition of information from the school's mandated reporter to the CPS worker is a crucial point of contact between the educational and human services systems in Wisconsin. This contact and transition begins when the mandated reporter first suspects neglect or abuse and prepares to make a report. Throughout this transferral of the school's legal responsibility, school staff continue to support their student's emotional well-being and successful return to the classroom. The CPS agency, upon receiving the report, accepts the legal responsibility to investigate and offer services or to conduct other necessary legal proceedings for the family.

Figure 19, "Basic Elements of a School District Policy on Child Abuse and Neglect," provides an overall checklist for a district's policy that includes the legal and transitional elements.

The Legal Elements

Teachers come to the classroom to teach. But when they suspect a student suffers from neglect or abuse, educators find themselves in the unfamiliar role of mandated reporter, defined by the legal system. The action of the individual educator initiates the child protection process, which is based on legal components. Some of the most relevant questions that educators need to ask are shown in Figure 20, "Common Questions and Answers about Mandatory Reporting." Taken as a whole, they represent a summary of information relating to schools and child abuse and neglect reporting that is drawn directly from the Children's Code. (DPI, 1992)

The legal element also affects the district's administration. School administrators facilitate

Figure 19

Basic Elements of a School District Policy on Child Abuse and Neglect

Legal Elements

☐ The exact language of the law regarding child abuse and neglect. (Defined in secs. 48.981, 940.225, 940.227, 948.02(1) to (3), and 948.05, Stats., for Wisconsin schools.)

☐ A description of who is mandated specifically to report and who may optionally report.

☐ Reportable conditions as defined by state law.

☐ A listing of the agency or agencies legally designated to receive reports.

☐ The information required of the reporter.

☐ Information on immunity for those who report "in good faith" or those who participate in an investigation or judicial proceeding.

☐ The penalty for failure to report as established by state law.

☐ Any provisions of the law regarding the confidentiality of records pertaining to reports of suspected abuse or neglect.

Transitional Elements

☐ The expected professional conduct of the school employees.

☐ A brief rationale for involving school personnel in reporting.

☐ The method and procedures by which the school personnel are to report and the time in which they must report.

☐ Action taken by the school board for failure to report.

☐ Information listing some indicators of child abuse and neglect that will assist mandated reporters in fulfilling their responsibilities.

☐ A determination of how records of reported cases will be kept.

☐ The way the district will collaborate with community child protection and law enforcement agencies.

☐ The way the district will conduct yearly staff inservices on child abuse and neglect reporting.

☐ The way the district will inform the public of its reporting policy.

☐ The way the child abuse and neglect policy will be evaluated.

mandatory reporting by supporting the individual reporter during the subsequent CPS investigation. The administration must also comply with the legal provisions that pertain to confidentiality, disclosure, parental expectations, and recordkeeping.

Confidentiality

Any information obtained regarding a report should be kept out of the student's school record and shared only with those people listed in sec. 48.981(7), Stats. Figure 21, the form, "Sample Child Protection Services Referral," can assist mandated reporters in obtaining, organizing, and completing information about suspected abuse and neglect. These detailed reports should not remain in the school; the specific information should be on file only with the county social services. After the initial report is filed, when educators and CPS workers begin to interact and collaborate, the issues of confidentiality can become complex.

Recent legislative efforts to encourage interagency collaboration (sec. 115.40, Stats.) have not expressly accounted for sharing information under pupil confidentiality provisions. (Sec. 118.125, Stats., and the Children's Code, Chapter 48) However, sec. 48.981(7)(a)6, Stats., provides that a multidisciplinary child abuse team (see section 3), recognized by the county social services department, may have access to otherwise confidential mandatory child abuse reports. Districts with staff who are members of such teams may therefore avoid certain confidentiality issues. Nevertheless, districts should carefully consider how to craft a policy that is sensitive to student confidentiality and accomplishes the coordination and service goals of collaboration. Among other factors that such a policy might address are the following:

- the precise meaning of confidentiality: that is, identification of individual students by name;
- the ability of a mandatory reporter to make a "verbal" report (sec. 48.981(3)(a), Stats.);
- whether it is advisable for a district to ask its staff who make mandatory reports to inform the principal or other administrative officers of the report, and give them the name(s) of the student(s);
- the broad definition of "pupil records" as "*all records relating to individual pupils, maintained by a school . . .*" (sec. 118.125(1)(a), Stats.), which does not include a teacher's personal notes, that is, those notes that are not available to others;
- whether a written report relating to a staff person's making a child abuse or neglect report is or becomes a "behavioral record" (secs. 118.125(1)(a) and (1)(c), Stats.) under the pupil records law, as to alleged victim and perpetrator, if either or both are pupils;
- the non-disclosure provision regarding people possessing confidential information under the mandatory child abuse reporting law (sec. 48.981(7)(e), Stats.);
- the possibility of seeking informed consent from parents in all cases of information-sharing, regardless of apparent expectations of confidentiality;
- the specific provisions relating to information that schools obtain from juvenile courts under sec. 48.396(1m), Stats., that involve alcohol or drug abuse and the limited purposes to which the school may put this information. (Sec. 118.127(2), Stats.)

Disclosure

Federal and state law limits the school's disclosure of information regarding a minor student by directing that parental consent must first be obtained. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, 34 Code of Federal Regulations (C.F.R.) 99, is the relevant federal law. The state law that deals with parental consent is state pupil records law, sec. 118.125, Stats. Two exceptions to limited disclosure are made: school staff who need the information about a child may obtain it; information may be shared with "appropriate parties," as defined by FERPA, to protect the child's safety and welfare. The school, when dealing with a referral for suspected child neglect or abuse, must carefully apply this second exception to meet the needs of the student and the federal and state regulations. In situations where the decision to share information is unclear, the child protection worker may request the court to provide the school with an order for the disclosure of additional information.

Figure 20

Common Questions and Answers about Mandatory Reporting

How does Wisconsin define child abuse and neglect? Child abuse may take any one of several forms: Physical abuse — defined as physical injury inflicted on a child by other than accidental means. Physical injury includes, but is not limited to, lacerations, fractured bones, burns, internal injuries, severe or frequent bruising.

Sexual abuse — includes sexual intercourse or contact, sexual exploitation, or permitting, allowing, or encouraging a child to engage in prostitution.

Emotional abuse — means harm to a child's psychological or intellectual functioning which is exhibited by severe anxiety, depression, or withdrawal or outward aggressive behavior or a combination of those behaviors which is caused by the child's parents, guardian, or other person exercising temporary or permanent control over the child and for which the child's parent, guardian, or other legal custodian has failed to obtain the treatment necessary to remedy the harm. Emotional damage may be demonstrated by observable changes in behavior, emotional response, or learning that is incompatible with the child's age or stage of development.

Neglect — is failure by the child's parents, legal guardian, or other person exercising temporary or permanent control over the child, for reason other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

What must be reported? The law requires only that the mandated reporter having seen a child in the course of professional duties have a reasonable suspicion that abuse or neglect has occurred, or a reasonable belief that abuse or neglect will occur. A report is not a determination of abuse or neglect. It is up to the county department of social services to make an assessment and determine what action is appropriate to protect the child.

Who must report suspected child abuse and/or neglect? In addition to many categories of non-school personnel, Wisconsin statutes require that teachers, physical therapists, social workers, psychologists, nurses, occupational therapists, counselors, speech therapists, and administrators report abuse and neglect.

When should a report of suspected child abuse or neglect be made? A report should be made as soon as the mandated reporter has a reasonable suspicion of the possibility of child abuse or neglect. It is important that there be no delay in making a report to the county department. Based on the information they receive, that department will determine how urgent the circumstances are and how quickly they must respond.

What protections are given reporters for their actions? Any person making a report in good faith is granted immunity from civil or criminal liability. In the event of a lawsuit, it is unlikely that they would be successfully sued as long as the report was made in good faith because of this protection. State law requires that the school district defend, or pay the cost of the defense in any lawsuit against a mandated reporter who is an employee and acting within the scope of his or her employment.

Is there a legal sanction to a mandated reporter for not reporting? The law provides that a mandated reporter may be fined not more than $1,000.00 or imprisoned not more than six months, or both.

Is it necessary for a mandatory reporter to be absolutely certain that abuse or neglect is occurring before making a report? No. The law only requires a reasonable suspicion that abuse or neglect has occurred or a reasonable belief that it will occur. It is the role of the child protection agency to assess the situation and to determine the facts. Mandated reporters should not conduct any investigation on their own.

Where are reports of suspected abuse or neglect made? Individuals who suspect that child abuse or neglect exists are required by law to report that suspicion to either the county social service department or the local law enforcement agency. No other agency, public or private, is legally designated to receive, or act on, a report of child abuse or neglect.

Reporting suspicions to an administrator or another staff member does not absolve the individual from the responsibility of reporting to the appropriate child protective agency. No administrator or other school district staff member may counsel an individual against or prevent an individual who suspects abuse or neglect from making a report.

How should a child abuse or neglect report be made? 1. Call the County Department of Social Services. Express the wish to report a suspected child abuse or neglect situation. The worker will ask for details of the situation. Be prepared to give specific information.

2. If the county social service agency is unavailable or if the child's safety is endangered, contact the law enforcement agency and request an immediate investigation.

Can a mandated reporter ask another person to make the report? An individual who requests that another staff person or an administrator make a report of suspected child abuse or neglect is not absolved from the legal responsibility of making the report. If the other staff person fails to make the report, the individual with first knowledge remains legally responsible for the consequences of not reporting.

What information should be given to the child protection agency? 1. The reporter's phone number, position, relationship to the child, and the school phone number.

2. Child's name, address, age.

3. Child's parents' names, address, work place(s), names and ages of siblings.

4. Description of suspected child abuse and neglect, statements of the child, statements allegedly made by the child to others, and any surrounding circumstances and conditions in the home of which the reporter is aware.

If the child protection worker conducts interviews with the child or the reporter at the school, may anyone be with them during the interview? When the student is interviewed, the decision to have someone present is up to the child and the child protection worker. If the child wishes, and the child protection worker concurs, another person may be present in the interview to provide support to the student.

What obligation does the mandated reporter have to protect the confidentiality of information gained through being a part of the child's interview? Any information that is a part of the child abuse or neglect report and records is confidential and may not be revealed by any person involved in the investigation to any other person not also involved in the investigation, with certain statutory exceptions. Generally, information shared with the child protection worker may not be shared with any other person not involved in the investigation.

What right does the reporter have to know the outcome of the investigation? The child protection agency may not share details of the investigation with anyone but must inform the mandated reporter of what action was taken, if any, to protect the health and welfare of the child. If another incident of suspected abuse or neglect occurs, it is important to report the situation once again regardless of the outcome of the first report investigation.

Why doesn't the child protection agency remove the child, then do the investigation? Most reports of child maltreatment do not result in a finding that the child is unsafe. The child can often be kept safely in his or her own home with appropriate supportive services. Removal of a child is done only when absolutely necessary to protect the child and, except in emergency situations, may only be done with a court order.

Figure 21

Sample Child Protection Services Referral

Identifying Information

Child's Name	☐ Regular Ed. ☐ Special Ed. *Designate Category*	Date of Birth	Sex	Grade

Child's Address

Household Composition

Adults			Children		
Name	Relationship to Child	Telephone Home/Work	Name	Relationship to Child	School

If parents are not married, who has legal custody? ☐ Mother Only ☐ Father Only ☐ Joint ☐ Other *Specify*

Reason(s) for Referral

State time, place, and condition of child that prompted this referral:

Observed physical condition of child:

Child's statement, if obtained:

If known, information concerning previous injury or conditions of neglect to this or other children in this family situation, including previous action:

Name of current CPS worker

Reported to:	Position	
Agency		Date and Hour
From:	Position	
School		Phone

Send to Pupil Services Office

Keep in County Child Protection Services Files

Cut and Send to Professional Pupil Services Worker

Report was made to CPS on:	School	Type of Report ☐ Sexual Abuse ☐ Physical Abuse ☐ Neglect

Student Information			Signature
Grade	Sex	☐ Regular Ed. ☐ Special Ed. *Designate Category*	➤

BEST COPY AVAILABLE

Such an order relieves the school of the prohibition against sharing the information and allows the school to collaborate with the child protection agency. Sec. 118.126, Stats., further restricts the pupil service staff from sharing any AODA-related information that they receive from or about the student.

Parental Expectations

Parents have a reasonable expectation that their children will receive appropriate care and supervision while in the custody of the school. This includes the belief that no one will be allowed to have contact with their children without parental knowledge or permission. It is natural for the school to establish procedures to inform parents when any agency, including child protection services, has any contact with a student. However, when a parent is the subject of an abuse or neglect report, notification should be withheld. The Children's Code specifically provides:

> The county department . . . may contact, observe or interview the child at any location without permission from the child's parent, guardian or legal custodian if necessary to determine if the child is in need of protection or services, except that the person making the investigation may enter a child's home or living quarters only with permission from the child's parents . . . . (Sec. 48.981(3)(c)1, Stats.)

If parents are the ones suspected of neglect or abuse, then parental knowledge of a referral for alleged child abuse or neglect may not be conducive to the efficient assessment of the situation or to the safety of the child. Schools are sometimes reluctant to allow the child protection worker to interview the child in the school because of an anticipated negative parental response. Although parental expectations and responses are of importance and concern, the school staff's interest in the welfare of their students predisposes them to disclose information to the CPS agency.

The districts should use a general notice annually to inform all parents about the mandatory nature of abuse and neglect reporting. During the development of a district's reporting policy, parents should be represented on a districtwide committee that is responsible for making policy recommendations to the school board. They need to know and understand why the school will not inform them when a report involving them is made, or if a child protection worker interviews their child in connection with that report, as long as the worker or a law enforcement officer does not take custody and remove the child from school grounds. If the parents are not involved in the suspected abuse or neglect, the school should contact them and request an opportunity to discuss the report with them. The staff member who meets with parents should be prepared to explain the school's legal role and responsibilities as clearly as possible and refer the parents to the CPS agency or legal system if necessary for more information.

Statistical Recordkeeping

Finally, the school's reporting policy can set up a method to gather statistical data on the number of students in the district reported as allegedly abused or neglected. This policy assumes that the central district office should be notified of the fact that a referral was made within a specific time period. This notification must not include the student's name or any other identifying information. The notification would provide only a statistical measure of the report. In Figure 21, the "Sample Child Protection Services Referral" form, the statistical information appears at the bottom of the form and is directed to the pupil services office. The remaining information that identifies the student and the family is sent only to the county CPS agency.

These legal elements primarily affect the individual educator, but they also affect the school administration. However, both educators and administrators recognize that the child protection agency and the legal system call upon them to take on a legal role while they continue to carry out their educational mission.

The Transitional Elements

The period of transition in even the most positive of situations can be a time of great stress and disorientation. When the situation is as serious as child neglect or abuse, the anxiety levels of everyone involved will be understandably greater. In most situations that produce strong emotions or great anxiety, a formula or routine that everyone understands and agrees upon can remove some of the immediate trauma and provide direction during a crisis.

Educators and child protection workers need to consider the transitional elements of the district's reporting policy as the convergence of several transferrals: the transfer of legal responsibility for the child's well-being; the transfer of information about the school's environment and routines to the CPS agency; the transfer or cyclical shift of the individual educator's role from instructor to emotional supporter and then back to instructor; and the transfer of support itself.

The Transfer of Legal Responsibility

Section 4 of this guide offers specific details about the role of Wisconsin's human services system and its child protection workers. They assume a tremendous responsibility when they receive a report of suspected neglect or abuse. However, it is understandably difficult for some educators to relinquish their feelings of responsibility for students. What educators need to remember is that it is the *legal* responsibility that is shifting, not the moral or humane one. It may be helpful to remind educators who care so deeply about their students that, as educators, their power to help students is limited in ways that do not affect child protection workers. CPS workers have the power to obtain services and treatment for families and children, recommend removal or protective custody of children, and even to recommend termination of parental rights. Educators have the professional ability to provide enormous support to their students during the crisis of an investigation and throughout subsequent treatment and services. But educators lack the *legal* ability to give these necessary services to students and their families. By understanding these different roles and abilities, educators and CPS workers can help and protect the neglected or abused children in their care.

The Transfer of Information About the School District

The transfer of information about the school's philosophy and environment is extremely important because it directly affects how successful the CPS worker's interview with the student will be. By sharing information about its routines and atmosphere, the school allows the CPS worker to do the following: schedule an interview that will cause as little disruption as possible, gather information that is both necessary and relevant to the investigation, and offer both direction and support to the student. When developing the school's reporting policy, educators should assess the information that CPS workers require to begin an investigation, and decide the best way to share that knowledge and material without compromising the school's educational responsibility. In this way, educators have the opportunity to influence how a CPS worker will conduct an investigation in an individual school district. School policy and procedures that deal with facilitating the CPS worker's access to the student need to be uniform throughout the district. There are two areas that schools may find to be relevant when developing a reporting policy with the CPS agency: school staffing and intraschool communication.

School Staffing

A clear understanding of school staffing is probably the most important information (that does not refer specifically to a child) that the CPS agency will receive. If the CPS agency knows ahead of time the staff member(s) responsible for preparing the student for the interview, providing a location, granting access to student files, and authorizing substitutions and extra support for staff members involved with the report, then the CPS worker will be able to more easily conduct the interview within the structure of the school's routines. Without this information, many CPS workers have little choice but to devise their own interview practices and often are not sensitive to their effect on the school, its staff, and unfortunately, the child.

The person who can provide all of the assistance listed above is usually the school principal. Unless the district has designated a different staff member or a team to handle child neglect and abuse report situations, the principal is the appropriate point of contact for the CPS worker. The individual whom the school designates to be the contact and coordinator between the agencies should be someone who is on-site, and whose responsibilities do not require regular absences from the school. Schools that use only one person as coordinator need to devise a back-up system that will go into effect automatically if a report occurs on a day when the coordinator is absent from the school building. CPS workers need to know and understand the staffing resources and structure for individual schools, so they can begin investigations with reasonable expectations of the school's environment and resources.

The coordinator will be responsible for the following decisions and arrangements:

- gathering necessary factual information from the student's files for the CPS worker,
- finding a location for the CPS worker's interview with the student and guaranteeing the location's complete visual and auditory privacy, (often an administrator's office is the only location that meets the privacy criteria *and* is easily accessible),
- deciding how to prepare the student for the interview, which includes
  - — whether the child will remain in class or be isolated from other students,
  - — which staff member(s) will remain with the child while awaiting the CPS worker's arrival,
  - — if the child is unaware of the report, how to inform the child without unnecessary shock or surprise,
- providing an adult escort to and from the interview, and if approved by the CPS worker, allowing that adult to remain with the child during the interview,
- securing all necessary substitutions for any staff members involved in the CPS investigation, and
- conducting any required or requested follow-up with the CPS worker.

A school's principal and pupil services staff have the most familiarity with neglect and abuse procedures. Although office staff may have the same access as administrators to all of the available records and personnel, they have neither the authority nor the training to handle an abuse or neglect report and should not hold the role of coordinator. When the principal, or any other school staff member is suspected of being the abusive adult, there are specific procedures that other adults should take. These are detailed in section 6 of this guide.

Intraschool Communication

Intraschool communication refers to the kind of access teachers have to one another and to the main office during the course of a regular school day. When a teacher needs to telephone the CPS agency and make a report, the way a teacher is expected to contact the principal, pupil services staff, or another teacher will directly affect how that teacher can make her or his report. If CPS workers are aware of the type of intraschool communication available in an individual school building, they can then determine what information educators may feasibly provide during the initial phone call, and what information should be gathered at the school when they come to conduct the interview.

For example, some schools have intercoms or telephones in every classroom, allowing individual teachers immediate access to the main office or pupil services staff. Teachers can request immediate assistance or a substitute when they need to leave their class and telephone the CPS agency. In that instance, the educator making the report may realistically have time to gather data about the child which the CPS worker requires, such as age, names and ages of siblings, parents' names and addresses, and other information listed in Figure 21.

On the other hand, some schools do not have the technology that allows their staff members to contact each other immediately and directly. Teachers must either leave their classes unattended, or rely on the natural daily breaks in school routine as a time to make the initial report. Obviously, the latter would provide a more comprehensive report. If they leave their classes, the telephone report must, from necessity, be as short as possible, and CPS workers cannot expect more than the most fundamental information: the reporter's name, the child's name, the school, and an extremely brief description of the suspicion.

There are four common natural break times in most teachers' daily routines: before school, preparatory time, lunch, and after school. CPS workers must remain sensitive to the variance among teachers' schedules and workloads. Although the law requires an immediate report if a suspicion of abuse or neglect exists, immediacy can be a problem. Teachers who cannot leave their classrooms or who do not feel confident in their suspicions until they have some free time to consider the situation or consult with another staff member deserve the same respect and courtesy awarded to educators who call within minutes of a suspicion. At the same time, educators must recognize that a report made late in the day is far more difficult to handle than one made earlier.

Protective Services Intake

The CPS agency calls this point of contact between the educator who makes a report of suspected child maltreatment and the human services system the protective services intake. The major purposes of the intake process are:

- to determine if the referral is one of alleged child abuse or neglect, requiring an agency response,
- to determine how urgent the referral is and how quickly the agency must respond.

The CPS intake worker must gather sufficient information from the educator to make these decisions. This often requires follow-up to the initial telephone or written report that served as the point of contact. The CPS worker may need to ask additional questions about the children, parents, and family circumstances. Checking past or current agency records on the family is also part of the intake process.

When the CPS intake worker decides that the referral is indeed an allegation of child maltreatment, the agency initiates an investigation. The purposes of the investigation are:

- to determine if any children in the home have been abused or neglected or are likely to be abused or neglected (at-risk),
- to determine if any children in the home require immediate protection and act to secure the safety of those children, and
- to offer help and promote family preservation.

In order to determine whether a child is at risk of maltreatment, the child protection worker must gather and assess thorough information regarding conditions, behaviors, beliefs, perceptions, patterns of interaction, and other circumstances known to contribute to the occurrence of child abuse and neglect.

Wisconsin does not ask its educators to make ill-informed decisions, but it is necessary to understand that it is in the child's best interest to make the report as soon as possible. A school's or CPS agency's administrative or procedural concerns should never be considered sufficient reasons for returning a child to an abusive or neglectful situation.

The Cyclical Transfer of the Educator's Role

When the CPS process is operating, the student and the educator share the emotions of a common crisis. While the student is directly affected by it, the educator is experiencing the emotional reaction of an adult who cares for a child. It is necessary for the student and the educator to move through all these feelings in order to ensure that the educational and the child protection goals are met. The process involves reordering the school's emphasis to reflect an increased awareness of, and responsiveness to, the student's emotional needs associated with the crisis. Maintaining the child's involvement in the learning process is important and depends on meeting those emotional needs.

For example, the teacher might decide that tests or assignments may need to be rescheduled or eliminated because the results would penalize the child educationally. Scheduling time for the student to talk to a CPS worker and pupil services staff is, initially, as important as class work. Educators usually recognize this need and respond empathically, but they often require assistance in reintegrating the student into the educational setting. Teachers need direction and support to know when it is appropriate and helpful to de-emphasize their concerns for a student's emotional reactions. They need to know when to place a student's emotional needs into a more balanced perspective in the educational environment. The pupil services staff can assist teachers in recognizing when to resume the normal educational expectations of the child.

Educators are themselves affected by the need to report their suspicions of child abuse and neglect. It is difficult for them to deal with the feeling that they are helpless to change the student's situation. This feeling of helplessness can often lead to an unreasonable feeling of guilt over not being able to do enough to help the child. Staff who are involved in the reporting of suspected abuse or neglect need to be helped to work through their anger and guilt towards themselves, the student's family, and the system so that their own lives are not adversely affected by the experience. School districts need to provide staff with the opportunity to deal with these feelings individually or in groups with the pupil service staff or community resources.

Transfer of Emotional Support

Support Techniques

Educators constantly give personal support and emotional assistance to their students. When a school staff member observes that a child might be abused or neglected, or when a child initially tells the staff member of the abuse or neglect, it is very important that this trusted adult act in a manner that will reassure and support his or her student. The following techniques and suggestions can help educators establish rapport with, and provide support for, the child. Their purpose is not to conduct the social services investigation but to gather enough information to make a report, without compromising the later investigation. The initial mandated reporter and the school social worker, or the individual the school designates to coordinate its response to child abuse and neglect suspicions, should use the following techniques for discussing concerns with the victim, when appropriate.

Be friendly and non-threatening. Educators often find that the child they believe to be abused or neglected is also confused and frightened. In order to share what has happened, the child needs to feel safe and accepted by another constant adult in his or her life, quite often a teacher. When this trusted adult expresses concern, willingly listens, and takes the account of abuse or neglect seriously, she or he makes it possible for the child to begin the healing process.

Conduct the discussion in a setting where there is uninterrupted privacy and where the child feels comfortable. Ask the child where he or she would be comfortable, suggest possible locations in the school that would be private, and allow the child to choose from one of those places. Instruct another staff member to prevent all phone calls or other interruptions until notified, and cancel all other appointments or tasks until the child is ready. In some situations, this will require assistance from another staff member to cover classes or other assignments. In this situation, the welfare of the child remains paramount. The full attention and support of the trusted adult will encourage the child to share the abuse or neglect situation and allow the school staff member to make an appropriate referral.

Set a tone that is comfortable and open, and that will help the child alleviate feelings of shame or guilt. Abused children, especially sexually abused children, feel at fault and believe they have done something wrong that has caused the situation. It is imperative that each adult who deals with the alleged abuse or neglect communicates to the child directly that the child is not responsible. Adults must reaffirm that the child is a normal individual, deserving of the respect and care that adults who are trusted with the story can give. Adults should state that they are concerned about the child and want to hear whatever the child has to say.

Be aware of personal feelings regarding what has happened. Adults must identify and separate their personal feelings from those of the child to ensure that they neither project them nor tell the victim how to feel. When most adults who are unfamiliar with child maltreatment are faced with the possibility that a child they know has been abused or neglected, they become confused and angry. The greater the abuse or neglect to the child, the greater and more intense the negative feelings of the adult will be. The possibility of sexual abuse understandably horrifies most people, but adults must remember that the child will interpret any reaction of horror or anger as proof that the child is not just a victim but also somehow to blame as well. Feelings are communicated verbally and non-verbally, and a child may become upset with negative body language or signals, such as a sigh, a frown, or a tone of voice.

If an adult feels that her or his own feelings are interfering or could interfere with the child's attempts to tell about the abuse, the adult must immediately seek help from someone else. If the adult feels upset about what the child is relating, it is clear that enough information exists to justify a strong suspicion of abuse or neglect. The child protection service of the county social service agency should be called at that time.

Give the child permission to talk about the abuse. In some cases, such as sexual abuse, adults may need to give children the correct terminology. Children are sharing a traumatic situation that has confused, frightened, and shamed them. They are afraid that their stories will harm them as well, by turning everyone against them. The adult gives permission to the child to talk about the abuse by reassuring that talking is the right thing to do. The adult also needs to indicate that she or he will stay with the child from that point and to explain that whatever happens will be ultimately for the benefit of the child.

Depending on the age or sophistication of the child, adults may have to provide terms to help describe the situation. When the child seems confused about a term, adults should suggest a word and allow the child to judge its accuracy. This is especially important in sexual abuse situations because most children are either too embarrassed to use or are unfamiliar with the appropriate terminology. The adult needs to be especially careful that guidance with the terminology does not develop into coaching the child. It is important to keep the discussion fairly brief. Once a child has given enough information to justify a suspicion of abuse or neglect, the adult must introduce the need to inform other adults, specifically child protection services.

For very young children, it may be necessary to modify and simplify the level of the discussion. Educational staff need to use all the experience and skills they have developed communicating with children to be certain that students understand the questions. The use of simple vocabulary, drawings, or dolls may be appropriate to overcome communication barriers. School staff need to be aware that the purpose of the discussion with the abused child is to make a decision about the need to report the situation and to provide support.

Give the child an opportunity to vent feelings about the incident, the abuser, and the reactions of others. Children need the opportunity to say exactly what they feel at that moment. They need to reduce their stress level to the point where they will be able to deal with the situation and share it with child protection or law enforcement personnel. This venting is a testing period where the child will experiment with the trusted adults to see how and if they will listen to the story of abuse or neglect. Educational staff need to understand that this is also an opportunity to empower the child who has experienced powerlessness in the abuse situation.

Communicate that the abuse or neglect is not an unspeakable horror, and the child can talk about the experience. Educational staff should not extract details if the child does not feel the need to tell everything. An attempt to obtain more details can further traumatize the child and compromise any law enforcement or child protection investigation. What children need the most at this point is an adult who listens to their accounts, believes them, and who knows how help can be obtained. The concern and the confidence the adult projects will enable abused or neglected children to continue their contact with the child protection or law enforcement agency.

Listen to what the child says and encourage talking at the child's pace. Active listening and reflecting one's own feelings make it easier for the child to express his or her feelings as well. This technique is valuable because it allows the adult to label and share feelings with the child. If the abuse or neglect horrifies the adult, she or he can show that what is upsetting is what has been done to the child, not about what the child has done. This kind of support is critical to abused children, especially those who have been sexually abused, because most believe their own actions caused the maltreatment.

Each child needs to know that he or she is not the only person who has ever been abused. It has happened to others. These children also need to know that there is nothing about them that caused the abuse, and that other children and families have survived the experience. Reinforce the idea that adults who can be trusted will stand by them and give them support.

Interrupt only to clarify a point or to end a digression and return to the subject. In order to make a strong referral, mandated reporters need to understand what raised their suspicions, and how abused children perceived the abuse and neglect. Asking the child to clarify points communicates that the adult is carefully listening to the account and taking it seriously. While a report of suspected abuse or neglect does not need extensive details, it is important to establish enough information for a child protection worker or a law enforcement officer to begin an investigation.

Give the child permission to express all feelings, including ambiguous ones such as guilt or anger toward the abuser. In a sexual abuse situation, the victim may have feelings of pleasure which are confusing and may need to be verbalized. The permission to talk freely given at this time is essential to later investigation and to treatment.

Deal with the guilt the children exhibit. Adults need to communicate clearly that the adult abuser was responsible for whatever happened. Children need assurance that the abuse was not their fault and that other adults believe their story.

Give accurate and educational information in order to counter any confusion or guilt the children may have. The child is in a state of confusion and needs the support of an empathic adult who is honest and factual. Adults need to reassure children that they are not to blame for the abuse. Additionally, children need to know what will happen next and how other adults who gradually become involved will treat them.

Explain to the child that the abuser's exploitation, trickery, deception, and betrayal are unacceptable. The child is not responsible, whether the abuser's actions occurred in a sexual or non-sexual way.

Acknowledge that the emotional pain that the child feels is as real as physical pain. Children need help to deal with it just like physical pain.

Reinforce the feeling of anger when it is expressed as a way of empowering the abused child. This reinforcement is necessary because anger is important in overcoming a sense of victimization.

Talk about all feelings abused children may express: anger, shame, guilt, low self-esteem, betrayal, helplessness, powerlessness, sadness, depression, self-hatred, confusion, and others. This open discussion of feelings communicates to the child that she or he is important, and that *all* feelings will be a part of the treatment that has begun. Adults should not avoid feelings or limit attention to only those issues with which they are comfortable. Adults should allow abused children to define the needs and feelings with which the treatment program must deal.

Believe the abused child and assume that he or she is telling the truth. When abused children, especially sexually abused children, tell about their experiences, they are frequently not believed. This response can be devastating because it causes their victimization to be two-fold: one adult actually abuses them, and another trusted adult rejects their experience and pain as false. It is important to remember that the child protection worker or the law enforcement officer is responsible for investigating the actual facts of the abuse or neglect. The educational staff is responsible for supporting the child throughout this difficult time. There is no need for the trusted adult to deal with the accuracy of the child's reports, only to ensure that the child feels safe in having shared the experience.

Communicate to the child that adults are glad the child discussed the situation with them. Adults need to commit to the child at this point and promise to do all that is possible to help protect the child from further abuse. This commitment provides the child with a sense of safety which allows her or him to talk to child protection workers and law enforcement officers. It gives children the hope that their situation can be changed. It is important, however, that adults do not make unrealistic promises to children that cannot be kept.

Respect the abused child's privacy and do not talk about the situation with anyone else. Inform school staff members of the abuse or neglect report on a "need-to-know" basis. The initial reporter, the administrator of the building, and the school social worker (or other individual designated by the district to coordinate child abuse and neglect prevention and intervention activities) are the only personnel who need to be informed. When involving any other individual in any manner, discuss it with the child and explain why it is necessary.

Discuss with, and explain to the child any referral to another agency. Explain the procedure and allow the child to feel a part of this process. Avoid making children feel as if something is being done to them.

Treat the child as normally as possible during and after he or she has shared the experience and a referral has been made. Acknowledge the situation and help the child put the incident of abuse or neglect into perspective and proceed with normal activities and routines. During the period of adjustment, the child will probably need additional academic help and emotional support. Students who have experienced these traumas, especially severe physical or sexual abuse, will probably show learning problems that educators must deal with in a positive manner. Part of the plan that the child protection worker develops should include academic goals and strategies created in collaboration with the educator.

During the initial contact, allow the abused child to ask any questions or request any information. Adults must be prepared to answer these questions or reassure the child that they will find the answers.

The transitional elements of a reporting policy allows the school district and the CPS agency to learn more about each other's routines and professional needs. This practical information increases understanding between the two systems and creates an opportunity for each to serve the other, while strengthening their own mission. But most importantly, by serving one another, each system serves the children of Wisconsin who suffer from abuse and neglect. Together, the systems help children more directly, more expediently, and more compassionately.

Review and Evaluation

Policies and procedures should be reviewed on a yearly basis with all staff who are mandatory reporters. As part of that review, the district should evaluate the previous year's experience with reporting, and note any procedural changes that were adopted to handle problems.

Summary

The day of a report and investigation of suspected neglect or abuse affects everyone involved with the child—educators, administrators, school staff, CPS workers, and parents. Educators who make reports fulfill a legal duty, and those who continue to support and encourage their students fulfill a humane one. A clear reporting policy that satisfies legal requirements while recognizing the practical details of transferring information and support is crucial to a school district's success.

References

Berkan, William A. *Information Update*. Madison, WI: Department of Public Instruction, 1992.

Family Educational Rights and Privacy Act. 34 Code of Federal Regulations (C.F.R.) 99 and 20 U.S.C. 1232g, 1988.

Sexual Abuse 6

Introduction

Sexual abuse is considered separately in this book because it is a unique form of violence against children. It is always criminal adult behavior, and forces children into adult roles that are always completely inappropriate for them. Sexual abuse devastates children psychologically and physically. But it is also the adult reaction *to* sexual abuse that requires a specific focus on its issues. Adults generally choose to blame the victims of sexual abuse rather than the perpetrators. (Dominelli, 1989) This happens more often with sexual abuse than with other forms of abuse or with neglect. Although some of the information in this section may be highly similar to procedures described in other parts of the book, it is necessary to reiterate these procedures in the unique context of sexual child abuse.

Background

Sexual abuse is a topic that is seldom talked about and poorly understood in this country. The general reluctance to report sexual abuse and the difficulty of dealing with the abuse situation either in the courts or in the community cannot be understood unless one first examines the historical status of children in American society. The United States developed a legal system largely based on an interpretation of British law. Although American law valued the individual rights of some citizens, many groups of people—notably, children, women, and African-American slaves—were valued as property, in various ways and degrees.

The lack of protection against sexual and physical abuse for children predated concepts of English common law or its American adaptations. Through the fifteenth century, parents in the Western world were allowed to abandon or kill their children because of gender preference, disabilities, or arbitrary parental whim. Yet from as early as the seventh century, social forces began to oppose such practices, and the Roman Catholic Church forbade the sale of children after they reached the age of seven and established the "sinful" nature of incest or other adult-child sexual relationships. The child's own behavior was often seen to be the cause of both physical and sexual abuse. In the eighteenth century, social pressure continued to engender better treatment of children, although the legal system remained relatively silent on children's rights. Abandonment and infanticide, especially in America, became rare. The recognition of the special needs of children is partially evident by the emergence of pediatrics as a medical specialty in America in 1727. (DeMause, 1974)

Sexual abuse and incest remained common in the eighteenth century and legal responses to protect children remained rare. (Rush, 1980) In general, discipline in the everyday American home tended to remain harsh and often took the form of children being locked in closets, shut into boxes, tied to beds, and severely beaten. Discipline was focused on obtaining "good" behavior and functioned as a positive reflection of the parents' ability to secure obedience. During the nineteenth, and continuing into the twentieth, century, the knowledge of children's developmental stages and the uniqueness of children's needs led to an increase of societal pressure on the legal system to treat these needs adequately.

The Child Welfare Movement

In 1874, the modern era of child welfare emerged in the case of "Little Mary Ellen," the adopted daughter of a New York family. The state of New York had no laws to protect children, therefore the Society for the Prevention of Cruelty to Animals brought the case to court on the theory that since Mary Ellen was a member of the animal kingdom, she was entitled to the same protection as work horses and other animals. The Society prevailed, Mary Ellen was protected, and child protection services were born.

Eighty-eight years later, Dr. Henry Kempe documented the "abused child syndrome" which was used in court to prove parental abuse. The Mary Ellen case established the rights of children to be protected by courts. The work of Dr. Kempe established legally admissible evidence to prove that parents were capable of harming their own children. The status of children in 1962 had progressed from the common-law tradition of property to that of a unique class of individuals whose needs the courts must learn to address. Individuals must either be able to testify in court themselves, or to have others testify for them in order to obtain the protection of law. Although societal attitudes are generally favorable toward protecting children, those attitudes and their implementation into law have not been achieved satisfactorily, especially in the area of limiting parental rights when suspected child abuse and neglect exists.

Society's historical journey to reach an understanding of children and to protect and nurture them is not complete. Physical and sexual abuse of children persist as problems that are not yet adequately addressed either in the social or legal system. Although children's status as the property of their parents has slowly eroded over the centuries, outsiders who disagree with the treatment of children still find themselves with only a questionable right to interfere. It is hardly surprising that under these conditions children would be subject to abuse, including incest, and that courts which reflect community norms and mores would be reluctant to take action to protect children, even in the case of sexual abuse. Throughout the 1960s, 70s, and 80s, protecting children from the sexual abuse of parents remained extremely difficult and continues to be so today.

Current Problems

Schudsen and Dziech in their 1991 book, *On Trial*, outline the problems of prosecuting sexual offenders. They state that it is difficult to protect the child-victim from further trauma because of outdated and unnecessary legal rules. Children are thought to be unreliable witnesses and prone to lying on the witness stand. They further outline the continued emphasis on the rights of adults over children and indicate that the effect that this has on sexual abuse cases is to allow perpetrators to go free without punishment or treatment.

The dynamics of this type of abuse are substantially different from those of other forms of abuse and neglect. The dynamic is more complicated because the abuser is a known and trusted adult. A central component of sexual abuse is that abusive adults, whether family members, friends, or other adults, use their power over the child to both force the sexual behavior and to conceal it. The abuse does not occur every time the two interact; in fact, the abuser usually provides supportive and even loving care to the victim between episodes of abuse. The position of trust that the abuser holds in relation to the child and the intermittent nature of the abuse contribute to a phenomena of emotional bonding between them that serves to mask the abuse itself. It is not uncommon for victims to defend abusers and to show apparent close attachment to them. (Dominelli, 1989; Berliner and Conte, 1990) In recent years, research has begun to explore the dynamics of sexual abuse. Facts regarding the extent of the problem have emerged that are both troubling and confusing. However, much of the controversy has developed because research studies and data collection by state agencies do not always agree on a definition of sexual abuse. For the purposes of this section the following definition will be utilized:

> Sexual abuse includes [being] forced, tricked or confused into sexual contact. It includes rape, incest, fondling, obscene phone calls, pornographic pictures, exposing oneself, molestation, assault, and child prostitution. These acts, when committed by a person who is either significantly older than the victim or in a position of power or control over a child, may be considered sexual abuse. (Miller, 1989)

The use of this broad definition helps form a basis for understanding the high rate of sexual abuse that is cited in the popular press and the literature, because it clarifies the many experiences which can be considered abusive. By including all of the actions listed in the definition above, both society and professionals in the field recognize that children react to these types of behavior differently than adults do. Using this broad definition, the literature indicates that as many as one in three females and one in ten males are sexually abused before age 18. The abusers are nearly 80 percent male, while the victims are nearly 70 percent female. (Finkelhor, Hotaling, and Yllo, 1988) The traditional or general perception is of a male abuser and a female victim; however, it is important to remember that both females and males can be the perpetrators and the victims of sexual abuse, and to treat each report with equal seriousness and empathy.

Sexual abuse has a serious and long-lasting impact on the abused child's life. In order of frequency the sexual abusers are most often family members, followed by friends and acquaintances, and finally by strangers. The fact that the abuser is known to the victim is a major source of trauma to the child. Victims of sexual abuse suffer from a feeling of betrayal of their trust. They learn to mistrust others, become depressed, show extreme dependency, or manifest aggressive behavior.

Understanding Victim Behavior

The victim must deal with a family structure that is pathological and with the fact that few people believe that an adult would sexually molest a child. Sexual abuse creates stronger feelings of disbelief than any other form of abuse and creates a need in most people to explain the phenomenon. Because most individuals cannot understand sexual abuse, they attempt to explain the child's account by denying the seriousness of the action, attributing it to the victim's seductiveness, denying the pervasiveness of sexual abuse, or refusing to believe the victim. Faced with these adult responses to the abuse, victims must find a way to explain what has happened and bring order to their everyday lives so that they can survive. In some instances, this leads to the child cooperating with the abuser to minimize the anxiety of waiting for another attack. Such action, although illogical to adults, is entirely sensible in the child's mind because it reduces the amount of anxiety, pain, and time involved in sexual behavior that children do not understand and that they fear. (deYoung and Lowery, 1992; Summit, 1983)

The behavior of the victim is a troubling aspect of the sexual abuse problem. Therapists, teachers, non-abused family members, and child protection workers confirm that victims appear to invite abuse and that they often defend the abuser. Children who are involved as victims in an ongoing molestation exhibit this behavior in several ways. They may recognize the abuser's preliminary behaviors of arousal and go to a bedroom and wait for the abuser. Other times they may initiate a "cuddling" behavior with the abuser when they recognize signs of impending abuse. These behaviors and other similar ones are aimed at controlling the stressful situation in two ways.

First, the victims can gain a sense of some control over the situation because they choose the time and place of the abuse before the abuser exerts forceful control. This avoids extending the amount of time when they are experiencing a high level of stress.

Second, in appearing to become an accomplice in the abuse they avoid many threats made by the abuser. (deYoung and Lowery, 1992) This puzzling behavior is a continuation of a characteristic of this abuse. Sexual abuse is a secret to be kept by the abuser and the victim. Threats of physical harm or the breakup of the family are routinely used by the abuser to prevent disclosure. The confusion, guilt, fear, and pressure that the victim feels as a result of the abuse combine to produce an attempt on their part to adapt to a situation which they do not believe can be changed.

AIDS and Other Sexually Transmitted Diseases (STDs)

The presence of STDs, particularly in children and younger adolescents, is often an indicator of sexual abuse. Additionally, research indicates that a history of sexual abuse is associated with behaviors that increase the risk of contracting STDs, including the AIDS-causing HIV. (USDHHS, 1984; Zierler, 1991)

Among sexually experienced people, adolescents have the highest rates of sexually transmitted diseases. (Bell and Hein, 1984) The high-risk situations in which some youth are living and the risk behaviors in which some youth are engaged have set the stage for rapid growth of the HIV epidemic in adolescents during the 1990s. The Wisconsin Youth Risk Behavior Survey results indicate that 65 percent of females and 60 percent of males in 12th grade have had sexual intercourse. Fewer than half of these students reported having used a condom during their last intercourse. (DPI, 1991)

The introduction of children to sexual behavior at an age when they cannot fully understand the danger of high-risk behavior makes them particularly vulnerable to eventual infection. Victims of sexual abuse are more likely than others to have multiple sex partners, abuse drugs, and become involved in prostitution. These conditions represent a high-risk factor for contracting the AIDS virus. The pupil services team, the mental health worker, the child protection worker, and the youth health clinic staff must be prepared to integrate AIDS prevention messages into an overall approach to meeting the adolescent's needs in relation to sexual identity, independence, self-esteem, and social standing. These messages must be balanced, giving students a clear message of all the ramifications of deciding to be sexually active. For adolescents who choose to be sexually active, adults need to convey that condoms, when used correctly and consistently, are highly effective in the prevention of HIV; when they are used otherwise, they are not. (Roper, et al., 1993) It is clear that "simplistic messages for addressing complex adolescent situations serve only to distance already alienated youth even further from the advice, care, and services they need and deserve." (Hein, 1993)

Education about HIV prevention may be difficult with some youth because of independence issues: confusion about evolving sexuality, rebellion, distrust of adults, lack of ability to plan for the future, and myths of personal invulnerability. It is essential for school, child protection, health, and mental health workers to deal with the HIV risk of sexually abused youth. HIV prevention education must become a standard part of a service approach to the abused youth and a natural element of what young people know. All professionals who work with youth play an integral role in this educational process; they may, in fact, be the first and primary source of HIV information for the youth.

For further information related to STD/HIV/AIDS prevention education and services, contact the Department of Public Instruction's Bureau for Pupil Services at (608) 266-8960.

Response of the School

Reporting child sexual abuse must include all the same elements of reporting other abuse and neglect situations. County child protection and law enforcement are the only agencies authorized by statute to receive such reports. Students may experience sexual abuse both inside and outside the school setting. When school personnel suspect sexual abuse is occurring or has occurred, either through a child's report or through personal observation, the appropriate response systems should be used.

When a child reveals that he or she has been sexually abused, the response by family, school, child protection, and law enforcement is critical to the abused child's recovery. It must be nonjudgmental and empathic in order to provide the child with a feeling of safety. This sense of safety is the essential foundation for the child's treatment. Schools need to understand the special needs of a sexually abused child and the role that they can play in helping the child heal. The school can develop its most appropriate response by collaborating with the local CPS agency and creating a plan for the individual child who has been sexually abused.

The response of the school to sexual abuse is made up of five components: responding to the initial contact, reporting the abuse, establishing working relationships with other agencies, assessing the effects on other students, and reintegrating the victim into the school program. In each of these areas, the school has the potential to either aid in the victim's recovery or add to the trauma.

Initial Contact and Response

In recent years, knowledge of how to respond appropriately to sexually abused children has increased. The two key factors during the initial contact period are to respond to the child and not react to the abuse. When responding appropriately, the trusted adult imparts positive messages about the child and simultaneously refrains from communicating negative feelings about the abuse or abuser.

Children need to hear positive messages about themselves in order to reinforce their decision to recount the experience and gain the help they need to overcome the abuse. They should not be subject to negative emotional reactions, even those clearly aimed at the abuser and not the child, because in their fragile emotional state, children can easily misconstrue the adult's rage and shock as being directed toward themselves. Achieving the equilibrium between these two elements of positive response and negative reaction is a delicate balancing act that requires skill and training.

Educators and school staff are excellent people in whom to develop these techniques because they spend so much time in the world of children, observing the daily struggles that children experience and understanding the frame of reference in so many children's lives. A school district policy that builds upon the skills of school staff will help them define their role in an integrated system. The system includes local child protection services, law enforcement agencies, and supportive collateral agencies. The school district policy outlines the significance of the mandated reporters' role as the initial contact person between the abused children and the professional help they need.

When a child shares details of endured abuse, the adult must communicate the following four positive messages.

I believe you. This statement is important because the child fears no one will believe her or him. The emotional strength children need to ask for help is difficult to maintain, and they are vulnerable psychologically.

I will help you. This statement reassures victims that someone cares and understands and will not desert them.

I still like you. These words help reduce the victims' sense of shame and encourages them that the future will be better.

The abuse was not your fault. This final message lessens the guilt that they feel about the abuse. Adults must be gentle, open, empathic, and supportive when dealing with sexually abused children from the initial disclosure through the reintegration phase.

However, when the child initially discloses the abuse, the reaction from the trusted adult is not always helpful. Educators, agency staff, and community members often react with shock and outrage, and follow with denial and inadequate action to protect the child. (Herman, 1981) The feelings of revulsion, anger, and outrage that the reporter may feel toward the abuser must be controlled. A child's telling of an abusive situation can trigger painful memories of a childhood powerlessness or an injustice. Children tend to have a keen sense of injustice, and that feeling may surface within the adult, even if he or she intellectually accepts the imbalances that life holds. Any memories the reporter or other adults may have of childhood trauma they personally suffered (these do not have to be sexually related) or which stimulate forgotten fear should not be ignored, but should not be shared during *initial* contact. All of these normal reactions from adults can be misinterpreted by the child and reinforce feelings of guilt and shame regarding the abuse.

Reporting sexual abuse is sometimes resisted by staff because they either do not believe the child or they fear repercussions for themselves or the victim. When the trusted adult whom the child has selected to tell about the abuse does not believe the story or does nothing to protect the child, further emotional damage to the child occurs. (Pothast and Harrington, 1990) The adult must respond and seek protection for the child.

Reporting the Suspected Abuse

Although most of the emphasis in books and pamphlets regarding child sexual abuse centers on how to recognize and when to report it, this is only a part of the necessary response to child abuse. In reporting, it is imperative that the school district have a clear procedure and that staff follow that procedure exactly. (See section 5 for more detail on reporting procedures.) It is also important that the reporter explain to the child why the report is being made, who will receive it, what will happen next, and how the safety of the child is the primary reason for reporting.

In Wisconsin law, sexual abuse and physical abuse of children is defined by the acts or injuries to the child, not by the relationship of the child to the abuser. Therefore, a child can be sexually abused by a parent or other family member, a peer, a school staff person, or a stranger, and all such incidents must be reported to the CPS agency or law enforcement agency. The mandatory reporting law (sec. 48.981(2), Stats.) applies, no matter who the perpetrator is.

Nevertheless, the situations are different because of the difference in the relationship of the child victim to the abuser. It is important to recognize this in order to develop an appropriate response to incidents that may come to the attention of the educational staff person.

Sexual Abuse Outside of the School System

Sexual abuse would almost always occur outside of the school system. Sexual abuse that a school staff member suspects or that a child discloses should be handled with the abuse and neglect reporting procedures described in section 5 of this guide.

In addition to the specific legal issues that the school must consider when dealing with sexual abuse off of school grounds, it is appropriate for the school to include additional support to manage the emotional impact of the sexual abuse, and to organize a team approach to assess the school's role in meeting the special needs of the victim. The team should be interdisciplinary and include representatives from the child protection agency, mental health center, and the rape crisis center. The team should clarify what the needs of the student are and how those needs should be met through the representative agencies. Parental permission for information sharing is essential if the student remains in the parental home. Confidentiality laws, discussed in sections 5 and 7 of this guide, must be reviewed and complied with as a part of the team's function.

Sexual Abuse on School Grounds

Abuse by Another Student. Schools should have a written policy covering the administration's investigation of alleged abuse by students of other students, both on school property and those that occur off school property but affect the safety, health, education, or welfare of students still at school. Information appears in sections 5 and 7 that will be helpful to setting this policy.

Different procedures may apply depending on the ages of the victim and the perpetrator. A child under 12 may not be charged with a crime in Wisconsin, but is subject to juvenile court jurisdiction for protection and services under secs. 48.13(12), Stats.

Local school districts must take care to avoid conflicting with law enforcement or CPS investigations. Districts should develop a policy using their legal counsel and addressing the state's various types of pupil records and confidentiality laws to determine such issues as: whether and when it may be appropriate to conduct a separate school investigation, obtain parental consent, conduct interviews of students or staff, or take a written or signed statement, among others. Issues of proper supervision of students by teachers may be involved (triggering the teacher discipline system) as well as pupil suspension or expulsion.

If the propriety of a school district is questioned, the district's civil liability could become an issue. These matter can become complex (see "Confidentiality" in sections 5 and 7), but sincere efforts should be made to work through them to ensure the highest possible level of safety for children.

When a student sexually abuses another student on school premises, the school should follow these procedures.

- A report of the abuse should be made simultaneously to the school social worker (or other school personnel designated to handle child abuse or neglect) and to the local law enforcement agency and the local social service agency. No delay should occur between the suspicion that sexual abuse has occurred and notification of the community agency.
- The local law enforcement agency and the county child protection agency are the appropriate resources to receive such referrals for investigation and response. It is not the school's responsibility to conduct a criminal or official child protection investigation. The agencies will coordinate their response, clarifying their roles with the victim, perpetrator, and families.
- The school may contact the local rape crisis center if the school obtains parental consent and if the contact will not compromise a child protection or law enforcement agency investigation. Before making such a referral, the school staff should consult those agencies.
- The school should consider notifying the parents of the victim and those of the assailant, because as guardians of the children the parents have the responsibility to deal with this situation.

Immediate notification by phone, followed by written notification, is important to facilitate communication and to establish a record of school action. Parents' cooperation in the investigation and in the treatment of the victim and the assailant is necessary. School staff members must consider two key points when in contact with both sets of parents:

— the school's sharing of information and modeling of an appropriate reaction to the situation can affect the ability of parents to deal with the problem in a manner helpful to the children,

— children who exhibit sexually abusive behavior usually have learned the behavior from being abused themselves or by observing someone else being abused.

The abusive child may therefore be a victim as well, and it is possible that a parent is the abuser. Statements to the parents should be clear and accurate in describing the situation but should avoid accusations of parental abuse of the child. The need to deal with both children in a positive manner and to seek treatment for them rather than punishment should be part of what the school communicates to the parents. At no time should the district staff imply that they suspect the abusive child was also abused; the investigation and further action in this regard should be left up to the community agencies. If a school staff member suspects such a situation, he or she should report that suspicion to the CPS or law enforcement agency.

- School personnel need to talk with victims to reassure them and provide support before and often during the CPS investigation. Support for the child rather than information gathering is the school's purpose for any discussion with the student. The CPS worker or law enforcement officer will collect the information. The child needs immediate and continuing support from someone who can be empathic and objective. Any interview should take place in a private and comfortable setting to ensure that no interruptions occur and that confidentiality is maintained. (See Support Techniques, section 5)
- Interviews should be scheduled so that the victim, the assailant, the victim's parents, and the assailant's parents are all interviewed separately. The staff person acting as the victim's support should not be involved in interviewing either set of parents, to avoid any conflict in her or his role.
- If the incident is common knowledge in the school and if it is creating concern, immediate classroom intervention and discussion will reassure students and begin to reestablish a feeling of safety in the school. Discussions with students in the classroom need to center on information that will remind them who to go to if they are frightened or if someone hurts them. It also needs to identify for them the adults who are available to them. Preventive measures that also establish that trusted adults are in control of the school campus are important at this time. Additional supervision of activities by adults and a general increase in the visibility of staff can help attain this goal.

When the school has reason to believe that a child between the ages of 12 and 18 has been sexually abused by another student in the same age group on school premises, the school should follow the same procedures as they do for younger students, with some modifications. The modifications are designed to respond to the different developmental stages and legal rights of the two groups.

Students accused of abuse in this age group are likely to be charged with a crime, and taking care to protect their legal rights is important. Victims of this age are at risk of extreme self-destructive reactions, which must be anticipated to avoid increased alcohol and other drug involvement, emotional breakdown, depression and suicide, or runaways.

Contact with the victim and the victim's parents, guardians, or legal custodians should proceed as delineated for younger children. The victim should be taken to a private area by a trusted school staff member, and remain there while the school contacts the parents, community law enforcement, and child protection agencies. School staff may listen to the victim describe the abuse if the student chooses to speak about it. However, the most important function of the staff member at this point is to provide support to the victim. The gender of the staff person who provides this support should be a consideration; in most cases, it is advisable during this initial time period to provide a staff person who is the same gender as the victim. In this situation, the school can function as an advocate for the victim by remaining with the student, reassuring the parents, and helping to ensure that a referral to a treatment program is made.

Responding to an alleged abuse in a manner that will protect the victim, preserve the alleged assailant's legal rights, and provide needed treatment to both should be a primary goal of the school. The accused student should also be taken to a private area, away from other students, and kept there while the law enforcement and child protection agencies are notified of the situation.

The alleged assailant's parents must be notified of the situation at the same time as the agencies and advised that a report has been made to the community agencies. School staff should not discuss the situation with the alleged assailant without his or her parents present, nor before the community agencies have completed their interview.

District policy should clearly state that the school will discipline a student for abuse, but should indicate that discipline will occur under applicable law and the district's student conduct code. Suspension or expulsion for sexual abuse must follow the appropriate procedures found in secs. 119 and 120.13(1)(b) and (c), Stats.

The primary goals for school actions in these situations are to

- provide protection and safety to the victim and
- obtain treatment for the victim and the alleged assailant.

Abuse by School Staff. Any sexual activity between a school staff person and a student is unethical, a licensing violation for licensed staff, and a crime under nearly all circumstances. If the student is under the age of 16, or is a minor ages 16 or 17 who did not consent to the sexual contact or intercourse, the sexual activity is sexual abuse. The district should report alleged sexual offenses to both social services and the law enforcement agency as a violation of secs. 48.981, 940, and 948, Stats. Those agencies will investigate and decide what charge, if any, should be made. The district should also make a simultaneous report to the child protection services so that the agency can coordinate with law enforcement and determine a response and reaction. The child protection agency can be helpful in referring the victim to a treatment agency and in assisting the district with other students who may fear for their own safety. When the appropriate agencies deal with one sexual abuse situation, other students often report their own similar situations. Child protection services' assistance in anticipating how to deal effectively with this increase in self-reporting is invaluable.

When a staff member sexually abuses a student, the school is faced with additional complex issues. The first concern is always to protect the known victim and to prevent further victimization of other children. It is necessary to accomplish this protection without compromising the social service and law enforcement investigation and without violating the civil rights of the accused staff person. An assessment must be made of the impact that the alleged incident has had on the school to determine what action to take to reassure students and staff that they are safe.

- Step one is always to report the suspected sexual abuse to the social service and the law enforcement departments and to cooperate with them in their investigation. The victim's parents should be notified of the suspected abuse and the fact that an official report has been made. Arrangements should be made for school representatives, including pupil services staff conversant with the child protection system, to speak to the parents in person as soon as possible. The purpose of the meeting is to inform the parents of the details of the report, to suggest possible resources of the school and the community to help the child, and to offer assistance to the parents in dealing with their own emotions. Such a meeting allows the school and the parents to reestablish the bond of trust that has been damaged by the abuse.

Statements given to school staff by the victim should be transcribed, dated, signed by the school staff member taking the statement, and retained by the school in a secure location to which no person except those directly involved in the report have access. These reports are documentation of when and where the school obtained information and what actions school staff took.

- Step two is to consult with district legal counsel concerning notification of any union representative, protection of the integrity of the investigation, the rights of the accused, and avoidance of legal difficulties for the district.
- Step three is to assess the impact that the incident has had on the student body and the staff and to develop a plan which meets the needs of the students and staff. School staff, such as pupil service professionals and community agency personnel, should be utilized to provide individual counseling or classroom discussion directed at dealing with the needs of the students and staff.

The issue of job security for staff who report suspected sexual abuse has been anticipated by the Wisconsin legislature. The Children's Code provides that mandated reporters cannot be disciplined by their employers for making a child abuse or neglect report of any kind. If an individual wishes to make a report anonymously and further insulate her- or himself from possible reprisal, that individual may do so. Counties must investigate anonymous reports in the same manner as any other report. School districts should clarify in their reporting policy that *all* suspected sexual abuse must be reported, rather than just intrafamilial abuse, and that the same protections for mandated reporters apply. The policy should state clearly that the reporter will not face discipline for making a report in good faith, even if the reported incident involves a school employee.

Working Relationships with Other Agencies

Establishing a cooperative, collaborative, working relationships with the child protection agency, the law enforcement agency, and other collateral agencies in the community is an important aspect of protecting children. Together with education, these agencies become involved in investigating sexual abuse, prosecuting the abuser, or establishing a treatment program for the victim, the family, or the abuser. The role of the school must be to support the victim and cooperate with the other agencies in the abuse situation. The school's participation in the treatment plan should be focused on providing a safe, non-threatening climate where the victim is able to regain a sense of trust, develop adequate coping mechanisms, and achieve educational success. School social workers' training and experience in child welfare make them the logical choice to develop this collaborative effort between the school and the community agencies.

The Assessment of the Effect of the Abuse on Other Students

Any siblings of the victim are the most immediate and likely concern for the school. When a family undergoes the stress of a sexual abuse investigation, these students will be experiencing a variety of emotions. They will probably be angry with everyone, including parents and the abused sister or brother, and will most often deny that the abuse ever took place. Siblings will need help to deal with these feelings and to cope with any shame and guilt that they experience as a result of disclosure. If the family's sexual abuse problem is known at the school, other students who may be in an active abusive situation will often react either by acting out their own fears, rejecting the known victim, or disclosing their own situation. Adults within the school need to be especially alert to any of these reactions and to offer support to the affected students. They must be helped to deal with their own issues of safety. Assistance in assessing the situation can come from the district crisis intervention team, the pupil services staff, administration, teachers, and outside agencies dealing with issues such as mental health or child protection.

Reintegration of the Victim into the School Environment

Community agencies deal principally with the trauma of the abuse itself. The trauma of returning to school after an abuse, especially if it has been made public, must be dealt with by the school. Sexual abuse frequently becomes public knowledge in one of two ways: the abuser is publicly arrested and an informed person confirms the rumors that arise with the arrest, or the abuser is brought to trial and because of his or her relationship to the abused the situation is confirmed. Although assistance from child protection and mental health agencies can be helpful, the school must decide how to approach the victim, how to respond to minor and major crises involving the victim, how to handle missed schoolwork, what extra academic help to offer, and what supportive approach to take on a day-to-day basis. Finally, the school must decide how to handle a situation in which other children know or suspect what happened. These issues, when confronted and planned for by the school, are important in ensuring the best adjustment of the victim to the educational environment after disclosure has been made. The pupil service team, led by the school social worker in this instance, is critical in establishing an effective reintegration plan.

Summary

The reality of child sexual abuse has, within the past decade, begun to expand. The intensity of the trauma of sexual abuse is such that only the school district staff who are familiar with the needs of victims should be assigned to work with them. Pupil services staff, especially school social workers, establish working relationships with child protection workers, law enforcement officers, and treatment agencies. These individuals are important in working with the victim and the family to reintegrate the victim into the school and to facilitate treatment plans.

References

Abel, G.G., J.V. Becker, and J. Cuningham-Rather. "Complications, Consent, and Cognition Between Children and Adults." *International Journal of Law and Psychiatry* 7.1 (Spring 1984), pp. 89-103.

Bell, T., and K. Hein. "The Adolescent and Sexually Transmitted Disease." In Holmes, K., ed. *Sexually Transmitted Diseases.* New York, NY: McGraw Hill, 1984, pp. 73-84.

Berliner, L., and J.R. Conte. "The Process of Victimization: The Victim's Perspective." *Child Abuse and Neglect* 14.1 (January 1990), pp. 291-307.

Butter, Sandra. *Conspiracy of Silence: The Trauma of Incest.* San Francisco: New Glide Publications, 1978.

DeMause, L. *The History of Childhood.* New York: Psychohistory Press, 1974.

deYoung, Mary, and Judith A. Lowery. "Traumatic Bonding: Clinical Implications in Incest." *Child Welfare* 71.2 (March/April 1992), pp. 165-173.

Dominelli, L. "Betrayal of Trust: A Feminist Analysis of Power Relationships in Incest Abuse and Its Relevance for Social Work Practice." *British Journal of Social Work* 19.4 (August 1989), pp. 291-307.

Finkelhor, David. *Sourcebook on Child Sexual Abuse.* Beverly Hills, CA: Sage Publications, 1986.

Finkelhor, David, G. Hotaling, and J. Yllo. *Stopping Family Violence: Research Priorities for the Coming Decade*. Newbury Park, CA: Sage Publications, 1988.

Friedman, L.M. *A History of American Law*. New York: Simon and Schuster, 1985.

Hein, K. "'Getting Real' About HIV in Adolescents." *American Journal of Public Health* 83.4 (April 1993), pp. 492-494.

Herman, J.L. *Father Daughter Incest*. Cambridge, MA: Harvard University Press, 1981.

Miller, Pamela R. *A Curriculum Framework for Junior and Senior High School Abuse Prevention Programs*. Earlham, IA: GrayMill Publishers, 1989.

Postman, N. *The Disappearance of Childhood*. New York: Delacorte Press, 1982.

Pothast, Henry L., and Howard Harrington. "School Social Work Involvement in Combatting Child Sexual Abuse: A Continuing Need." *Iowa Journal of School Social Work* 5.1 (December 1990), pp. 20-28.

Rieser, Margaret. "Recantation in Child Sexual Abuse Cases." *Child Welfare* 70.6 (November/December 1991), pp. 611-621.

Roper, W., et al. "Commentary: Condoms and HIV/STD Prevention—Clarifying the Message." *American Journal of Public Health* 83.4 (April 1993), pp. 501-503.

Rush, F.N. *The Best Kept Secret: Sexual Abuse of Children*. New York: McGraw-Hill, 1980.

Schudsen, Charles B., and Billie W. Dziech. *On Trial: America's Courts and Their Treatment of Sexually Abused Children*. Beacon Hill, MA: Boston Press, 1991.

Summit, R.C. "The Child Sexual Abuse Accommodation Syndrome." *Child Abuse and Neglect* 7, 2 (April 1983), pp. 177-193.

United States Department of Health and Human Services. *Annual Report to Congress*. Washington, DC: 1984.

Wisconsin Department of Public Instruction. *Wisconsin Youth Risk Behavior and HIV/AIDS Prevention Education: Survey Results*. Madison, WI: Department of Public Instruction, 1991, pp. 16-17.

Zierler, S. "Adult Survivors of Childhood Sexual Abuse and Subsequent Risk of HIV Infection." *American Journal of Public Health* 81 (May 1991), p. 572.

Special Issues and Questions 7

Education and Prevention

This section focuses on many issues that have been mentioned earlier, due to their importance in explaining CPS procedures. However important these issues may be, individually they do not merit their own section in this book. However, they are crucial to the reader's understanding of neglect and abuse, and so are listed in a brief, accessible format. Both traditional classroom education and innovative community education can have a powerful influence on the issues that focus on prevention of child abuse and neglect. School districts can use educational resources in the following areas.

Parenting Education for Students, Teen Parents, and Adults

Health, social studies, and curricula that includes any of the following: family structures, children's normal growth and development, parenting skills, communication, or problem-solving, provide basic information that individuals need to know when challenged with the realities of parenting. Educators who incorporate these subjects into the natural flow of classroom teaching have the opportunity to prepare their students for a future of healthy parenting.

Districts are in the position to extend the same learning opportunities to their communities' adults through after-school parenting classes led by staff members, experienced parents who volunteer their time, or professionals from community agencies. Research cited in section 1 of this guide indicates that parents often abuse or neglect their children because these adults do not have the knowledge or the skills to parent adequately. The information and support these parents could obtain in a school-sponsored parenting class represents a significant chance to improve their parenting skills and reduce child abuse and neglect.

Protective Behaviors

Many programs are available to teach children and their families about protection from abuse or assault. These are programs that teach children their fundamental right to feel safe and that help them understand the need to tell adults when they do not. The programs also give children the permission to avoid or leave abusive situations. These programs identify the tendency of some adults to ignore or discount children's reports of abuse, especially sexual abuse. In order to counter this tendency, protective behavior programs teach children that when one adult ignores or disbelieves their abuse report, they should tell another. These programs help children identify a network of adults to ask for help, thus increasing the probability of at least one acting on the child's report. Establishing a network of trusted adults also encourages children to maintain their trust, even though adults sometimes do not meet their needs. Protective behaviors programs stress the positive role of families in meeting the needs of their children and teach families how they can ensure their child's safety.

Districts that decide to utilize protective behaviors need to be careful that the program they select meets the parameters of the Wisconsin legislation that established prevention efforts, sec. 115.368, Stats. Required core elements are

- information on how minors and their parents can avoid, prevent, or halt abusive behavior.
- information on how to develop positive psychological, emotional, and problem-solving responses to such situations.
- avoidance of fearful, negative, or solely reactive methods of dealing with such situations.
- information on how to detect abusive situations and the proper action to take when there is reason to believe that a minor has been subjected to abusive situations.
- coordination of school-sponsored protective behaviors and activities with the programs and activities of other state and local agencies.

The Department of Public Instruction recommends that districts examine any protective behaviors curriculum for the following points before it is implemented in the schools:

- compliance with sec. 115.368, Stats.,
- nurturance of a bond of trust between the children and their families and other significant adults,
- training for district staff in the *specific* curriculum that is presented.

An example of a program that meets these recommendations is Protective Behaviors, Inc., developed while its principal author, the late Peg Flandreau West, was a school social worker.

Because schools present these programs as initiatives aimed at supporting parental authority, it is necessary for schools to communicate directly with parents about the programs and their goals. Parental knowledge of proposed efforts and parental involvement in the selection, planning, and implementation of these protective behavior programs is essential. The time spent in this joint school-parent preparation can provide the school with an opportunity to identify areas of concern with the program, modify the approach, and respond to the specific concerns of the community regarding such a program. The school's willingness to include parents in developing and implementing protective behaviors enhances the partnership between school and families while it generates community understanding and support for the program.

The Greater Community's Resources

School staff should be familiar with the available community resources that protect children and support families. With this knowledge, staff are able to refer families with potential abuse or neglect problems to local agencies *before* children are harmed. Most families have a positive relationship with individual school staff members and will respect a teacher's, coach's, or pupil service provider's suggestion of where to get needed help. The district staff can use that solid relationship to encourage families to apply for financial assistance, seek mental health or marital counseling, attend parent education classes, obtain vocational training, or procure better employment. While the school social worker is generally the staff person most knowledgeable about these community resources, he or she does not always have a close relationship with the family. With the support of a staff member with whom the family has an immediate relationship and in whom the family trusts, the school social worker or other pupil services person has the opportunity to make a successful referral. For this reason, *internal* district collaboration among administrators, classroom teachers, and pupil services staff is essential.

Educational Research and Study of Child Abuse and Neglect

Through educational research, professionals can learn more about how to prevent the societal tragedy of child abuse and neglect. Research cited in section 1 identifies and delineates the effect of child abuse and neglect on the educational, social, and psychological development of children. Currently, researchers have devoted more time to the effects of child abuse and less time to the educational techniques that best serve maltreated students. Classroom teachers can utilize the school social worker or other pupil services person to develop a clearer understanding of the abused or neglected student's social and emotional strengths, which the teacher may in turn use to help the student experience academic and social success. Educators who have experience in successfully meeting this challenge need to record that experience and submit their findings to educational journals. Articles based on real experience, even with small numbers of students, are useful in suggesting more formal study of techniques that will help abused or neglected children learn. The following are journals to which educators might consider submitting articles: *The Educational Digest*, *Childhood Education*, *NEA Today*, *The Instructor*, *Education Week*, and *Education Foreword*. See Appendix A for more information on these publications.

Corporal Punishment

In 1987, the Wisconsin legislature passed legislation prohibiting corporal punishment in state schools. Child advocates argued, and the lawmakers agreed, that corporal punishment was not an effective method of disciplining students and that it could too easily escalate into abuse. The statute cited the state's broad interest in protecting children as a reason for legislating an end to corporal punishment in the schools. The law as passed defined corporal punishment as "the intentional infliction of physical pain which is used for discipline." It included such actions as paddling, slapping, forced exercise, or prolonged maintenance of uncomfortable positions, when used as forms of discipline. (Sec. 118.31(1), Stats.)

Significantly, the legislators excluded a number of other actions. Those excluded actions were reasonable physical activities associated with athletic training or incidental, minor physical contact designed to maintain order and control. Reasonable and necessary force is allowed to quell a disturbance that threatens physical injury to any person, to obtain possession of a weapon or other dangerous object within a student's control, to defend oneself or others, or to protect property.

The law encourages local school districts to provide inservice training to help teachers comply with the provisions of the law. It is imperative that the districts inform staff of the prohibition of corporal punishment and train them in alternate ways of disciplining students. The use of mediation, conflict resolution techniques, reasonable expectations, and a positive school climate are deterrents to the use of corporal punishment. They are also critical in empowering students to learn self-control and helping staff to retain the necessary control and decorum that enhance academic and personal growth in students. The successful implementation of the corporal punishment law is dependent on enhancing the skills and comfort of the educational staff in utilizing the alternatives.

Abuse of a Minor by a Minor

It is possible for a minor to abuse another minor in the same way an adult would abuse. Under Wisconsin law, non-accidental injury to a child by *any* other person is abuse. This situation needs to be dealt with in a manner that will result in the victim's protection and the abuser's treatment. Abuse by a minor can occur in such situations where an older child harms another. One example would be during babysitting. The abuse might be a result of inappropriate discipline or the emotional problems of the assailant. The involved minors may or may not be related, but frequently when a minor abuses another, the abusive behavior is part of a pathological family structure that has singled out a victim. If the abuse occurs in public, it may mirror how the perpetrator's family functions in private. A subsequent report of the public abuse to child protection services, which is required by law in these situations, can lead to treatment for the whole family. Locations where an assault might occur include nearly any place where young persons congregate: school hallways, parks, or playgrounds. Rarely would such behavior occur in isolation. As professionals familiar with youth, educators should be alert for aberrant behavior, sadistic treatment of animals, explosive temper, verbal hostility, or a student's repression of normal feelings of anger. When educators detect such signs, it is important to involve pupil services to determine what assistance they might provide to correct the situation. Also, the DPI strongly recommends that schools consult with both the district attorney and the CPS agency to determine what behaviors require assistance from legal or child protection agencies.

When an educator suspects that a minor is the perpetrator of abuse upon another minor, the responsibility of the educator is to report the situation to the child protection service agency or law enforcement. The two important considerations for the educator to keep in mind are that 1) intentional behavior that is harmful to another person is not acceptable and must be managed, and 2) the educator is not prepared to investigate the abuse. In situations where the educator suspects that certain behavior is abusive in nature, the professionally responsible and correct response is to report that behavior to one of the appropriate agencies.

The school has a responsibility to notify the accused student's parents of the action being taken and the reason for it. The minor has certain rights that must be protected, and the parents need to understand that their child cannot be assumed to be guilty of the accusation until after a court hearing. It is further important to notify the student and the parents of the actions the school might take if the accusation proves true and the process the school would follow to determine that action.

Sexual Abuse of a Minor by a Minor

Minors may sexually assault other minors; these offenses differ from normal sexual curiosity in a number of ways.

- The sexual activity is usually beyond the molested child's developmental age.
- The molested children are usually forced, tricked, bribed, or coerced into the sexual contact. Instead of mutual playful exploration there is fear, confusion, or intimidation.
- The molested child usually feels that he or she has done something wrong and must hide the "mistake."
- Children who molest usually know or feel they are doing something wrong and are motivated to keep the behavior secret.

Both girls and boys who are very young can encourage or force younger children to have sexual contact with them. This behavior is obviously symptomatic of underlying problems and requires prompt and specialized intervention.

Denial is common to all sex offenders of any age. Even when confronted with clear and undeniable evidence, many sex offenders continue to deny their actions. Since young sex offenders will initially deny what they have done, it is crucial that those evaluating the youngster rely on other information, such as the victim's statements or police findings. It is not helpful to the young sex offender if adults become protective, join the youngster in his or her denial, and refuse to consider the possibility that the offense occurred. Young sex offenders who accept responsibility for their actions and who receive treatment have an excellent chance to change their behavior.

Most children who molest lack maturity, social skills, and self-esteem. Many have had access to X-rated materials that give the messages "be aggressive," "be sexual," and "take what you want." Exposure to stimulating and sexually explicit materials without appropriate outlets for sexual expression causes real distress and confusion that contributes to sexual molestation. These youngsters may convince themselves that molesting other children is acceptable and harmless, relieving the immediate pressure to gain sexual knowledge and experience that exposure to these materials often develops. When a minor continually assaults others and no adult catches or stops the assaults, this lack of social consequence positively reinforces the behavior, as does the pleasurable release of sexual tension. The association of sexual excitement and release with molesting younger children is one of the patterns that a treatment plan must interrupt if the youngster is to develop appropriate and safe sexual relationships with peers.

In most cases, children who molest other children learned that behavior from their own experience of being molested. Youngsters who have been victims may be ashamed to tell anyone that someone molested them, and their own assaultive behavior may be the only clue that this has occurred. It is important to report this behavior as required by law in order to assess the underlying problems and provide therapeutic help to both children.

Children who sexually assault are motivated by hostility over their own sexual abuse which is " . . . a means to feel powerful, a way to master an event from the past, or a method of validating their heterosexuality and to feel in control of situations." (James and Nasjleti, 1983) These researchers refer only to heterosexuality because, as clinical experience shows, the reports of same-sex assault by minors are extremely low, almost non-existent. Perpetrators often come from disorganized families where they are expected to fulfill inappropriate caregiver roles. Their sexual behavior is often an attempt to obtain the love and affection that the family situation does not provide them.

Parents of the children who have been sexually assaulted by another minor may wish to forget the incident, feeling that their child has adjusted well to the assault. They must be helped to understand that not all molested children act the same. Some appear to recover quickly from the experience. Almost all sexually assaulted children have questions, confusion, fears, and concerns, and can benefit greatly from open discussion of the assault. If they are not given a chance to talk about the assault, they can develop feelings of guilt, lack of trust, and low self-esteem that will affect their relationships with others until they resolve those feelings. (Gil, 1987)

Sexual Harassment

Educators have come to understand that sexual harassment is a daily part of interaction between boys and girls in schools. In many cases, it is so much a part of the fabric of school relationships that it is not even acknowledged or recognized as behavior that can be detrimental to both boys and girls. How does sexual harassment exist as a part of child sexual assault and abuse?

Sexual harassment may begin with seemingly innocuous verbal "teasing" or sex-based jokes that can escalate into requests for sexual favors, demands, and threats. It can include sexually offensive graphic displays and demeaning portrayals of individuals based on their gender. It may lead to destructive relationships for teenagers that create distorted notions of self-esteem, develop negative patterns for adult relationships, perhaps even result in date rape. In nearly all cases, males are the perpetrators of sexual harassment and females are the receivers, although males are sometimes the object of sexual harassment as well. In all cases, it is an expression of differential power rather than sexual attraction.

In 1980, the Equal Employment Opportunities Commission issued guidelines that defined sexual harassment as a form of sex discrimination and prohibited such harassment in the workplace.

> Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
>
> 1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
> 2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
> 3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. (Final Amendment to *Guidelines on Discrimination Because of Sex*)

The U.S. Department of Education applied these guidelines to education settings when it issued a memo stating that sexual harassment is illegal according to Title IX of the federal Education Amendments of 1972, which prohibits sex discrimination in public schools. In 1992, the U.S. Supreme Court held that students who suffer sexual harassment and other forms of discrimination under Title IX can seek monetary damages from the schools that have allowed the harassment or discrimination to take place.

Wisconsin and several other states prohibit sexual harassment in schools; Wisconsin requires that each school district adopt and disseminate a policy specifically prohibiting harassment on the basis of sex, race, religion, national origin, creed, ancestry, sexual orientation, marital or parental status, or physical, mental, emotional, or learning disability. The statute requires a complaint procedure and an employee designated to receive complaints.

What is being done to stop the cycle of harassment that may lead to violence? Because boys and girls receive different treatment in schools and society, including very subtle differential expectations for behavior, undoing the conditions that cause sexual harassment will take concerted, long-term effort. One workshop for teachers and one lesson for high school pupils will not cause change; K-12 curriculum infusion is needed. The Wisconsin Equity Leadership Cadre in each CESA has prepared materials for use with employees and pupils when addressing sexual harassment and may be requested to provide assistance in addressing this issue.

Confidentiality

Confidentiality affects the role of the school, the individual mandated reporter, the child protection agency, the child, and the family. From the viewpoint of the Children's Code, confidentiality is a concept of *child protection*. It exists to help the family avoid the public censure that makes it difficult for therapists to establish a treatment relationship. The Children's Code's provisions ensure that anyone who is uninvolved in the investigation of the alleged child maltreatment is denied information regarding the family and the alleged incident.

School districts must carefully decide what information they share. Educational statutes require that the school and its staff keep certain information confidential. Information that is found in the child's behavioral record, health-related in any way (including HIV information), regarding exceptional education placement, or about the student's drug and alcohol use or abuse are all examples of confidential information. A conflict occurs when it appears that the information thus proscribed might, in fact, be helpful to the CPS agency's investigation. In order to clarify this situation, it is helpful to remember two things.

First, the report is of a *suspicion* of child maltreatment, not a report of *actual* maltreatment. It is the task of the agency to use their investigation to determine the actual situation and take the appropriate action. The report of suspected abuse or neglect, and any information regarding the report, should deal only with the incident at hand. Extraneous information might result in the school sharing confidential information with unauthorized individuals and agencies.

Second, divulging information to the CPS agency in situations in which the incident is found to be unsubstantiated can expose the school to penalties for violating the regulations of student confidentiality. If the school reporter has knowledge that other child maltreatment reports exist about the family, it is appropriate for the reporter to mention that information in the current report.

The mandated reporter may divulge information about a specific incident mentioned in that other report if the incident pertains to the current suspicion of abuse and neglect. A district's policy and procedures on mandated reporting should list appropriate information to include in a report of suspected abuse or neglect consistent with sec. 48.981, Stats. The report of suspected abuse or neglect is the report of an individual's belief of child maltreatment and not the district's report; therefore, the information contained in the district's files should not be a part of the report. If there is reason for the CPS agency to believe that the school has information that is necessary to the child protection goal it is pursuing, the CPS agency may request parental permission for its release or obtain a court order for that information. See Appendix B for specific statutes.

In-school Consultation

The mandated reporters within the school are responsible, as the individuals with first knowledge of suspected abuse or neglect, for making the report. There are times when a mandated reporter will appropriately consult with another district staff person before making a report. First, the individual may not understand the reporting procedure or the correct recipient. Second, the reporter may have inner conflicts over making a report and may need personal support. Third, the school district has a legitimate interest in controlling the access of outside agencies and individuals to students during the time they are in the physical control of the school. It is, therefore, permissible for the school district to provide the mandated reporter with in-school consultation. Such consultation is entirely voluntary and may not be required.

An in-school consultation occurs when the mandated reporter, who is the individual of first knowledge, requests information or assistance from another individual within the district. The reporter must not delay in making the report when she or he initially suspects the abuse or neglect, even for an in-school consultation. Wisconsin statutes require that a report be made "immediately." Therefore, if the mandated reporter cannot obtain an immediate consultation, he or she should proceed to make the report.

If available, the school social worker has the graduate-level training in child welfare that makes that person the best choice for providing the in-school consultation. The consultation needs to include the following: the specific, legally mandated information; the community agencies, social or legal, that must receive the report; the appropriate procedure for making the report; and the follow-up that the reporter needs to make to ensure appropriate child protection action.

In some situations, such as a teacher being unable to leave the classroom, it is permissible for the school social worker, or in his or her absence an administrator or pupil service staff member, to actually make the report on behalf of the mandated reporter. A mandated reporter may require and receive assistance from another staff member, but the legal responsibility to report remains with the adult who initially suspected the abuse or neglect. Consultation does not need to end at the point of referral; the reporter may request assistance to maintain relationships with the family that has been reported, to deal with the anxiety that exists when making a report, or to understand the operation of the child protective process as it deals with the report. In-school consultation includes informing the administration of the report and requesting assistance in appropriately dealing with the child protection and law enforcement process. The administrator's support of the mandated reporter relieves the reporter's anxiety and should include help in dealing with the family if necessary. The goal of an in-school consultation is to support the mandated reporter, not to alter or stop any report of suspected child abuse or neglect.

Legally, the school's policy may not restrict anyone from making a report, nor may it restrict or edit the contents of any report. The responsibility for the report belongs to the individual mandated reporter, not to the school district. Mandatory reporters may not discharge that responsibility by relating their suspicions to another district staff person. The school's procedure may encourage the reporter to advise a designated district staff person of the report, but the school may not create a policy that violates the confidentiality of the report.

Collaboration

Collaboration represents an opportunity for parents, interested community members, and professionals from schools and community agencies to design a system of delivering services to children and families that uses existing agencies and programs in more effective ways. It is more than a cooperative approach to individual agencies and professionals working on community problems; it is joint decision making on what will be done and by whom. It allows various agencies to deliver services in multiple ways, depending on which approach offers the best chance of success. This flexible approach is difficult to design and implement unless basic organizational principles are followed. These principles are as follows:

- The community residents and agencies must agree that a problem exists and that some combination of available services or creation of new services is necessary to resolve the situation.

Most successful collaboration begins when representatives from two or more agencies recognize the need to collaborate and convince their organizations to seek interagency agreements. The stimulus for seeking interagency agreements may also come from politicians or lay citizens and, if accepted by agency leaders, have equally positive results. These agreements represent the first step in developing collaborative programming.

- In developing agreements, a basis for collaboration can be formed if those agreements specify:
  - regular communication between individuals from each agency;
  - the process to be used to resolve problems between agencies;
  - agreed-upon goals and objectives;
  - delineation of the role of each agency in accomplishing those shared goals and objectives; and
  - the administrative control each agency must exert over its staff involved in the effort.

The representatives of each agency involved need to address these questions before they share programs and activities. The administration of each agency must review and approve all components of the agreement prior to committing staff and resources to the project.

A collaborative approach is achieved when a group of individuals representing all involved agencies direct the activities of two or more agencies to complete a common purpose. This group has six principal tasks:

- to assess the needs of individual clients or groups of clients;
- to develop service plans for clients or groups of clients;
- to coordinate the delivery of services;
- to monitor the delivery of services;
- to evaluate the effectiveness of the services; and
- to report to involved agencies when changes in service delivery systems are needed.

The collaborative approach between the school and the child protection agency enhances efforts to strengthen the health and safety of the child and the functioning of the family. Collaboration in this situation takes the form of

- understanding the role and function of both the educational and the child protection systems in serving the child and the child's family. This understanding will lead to a knowledge of the limits of each system's mandates when serving children.
- establishing practical reporting and referral procedures between the education and child protection agencies. Such procedures must be developed jointly by the local educational and child protection staff. These joint procedures must follow statutory requirements and the guidelines established by the Department of Public Instruction and the Department of Health and Social Services.
- forming joint youth issues committees that evaluate the needs of young people and their families in the community and that formulate effective service plans by using existing resources to meet those needs.
- gaining administrative support for both education and child protection agencies to establish joint responsibility for all community children and youth. It is imperative that agencies develop written agreements on accomplishing this joint responsibility and use them as the guidelines and mandate for all collaborative activities.

One statement of collaborative philosophy, developed by the Wisconsin School Social Workers Association, the Midwest School Social Workers Council, and the Wisconsin Chapter of the National Association of Social Workers, is found in Appendix F.

Emotional Trauma of Reporters

Reporting suspected child abuse or neglect usually is not easy emotionally for mandated reporters because they are faced with making a report that might lead to the removal of children from a family. The consequences of the reporter's lack of action is just as distressing: failure to report a suspicion of child maltreatment might mean the injury or death of that child. Failure to report might also lead to a fine or jail for the mandated reporter. Equally as troubling is the possibility that the suspicion may be unfounded and the individual or family forced to undergo the invasion of privacy and the emotional upset that is inevitable with any child abuse or neglect investigation. Legislative procedures protect the identity of the reporter, but he or she may experience strong feelings of guilt if the CPS agency determines that the situation is not child abuse or neglect.

While there are potential negative results to making a report, two points must be considered. First, the law requires the reporting of a suspicion of child abuse or neglect because historically, only a legal requirement has effectively protected the health and safety of children from maltreatment. Parents or other alleged maltreaters can recover more easily from the trauma of unfounded accusations of child abuse or neglect than children can survive the emotional and physical damage of maltreatment. Second, mandated reporters can establish services to help mistakenly suspected individuals or families. They can advocate for the school pupil service staff, the community child protection agency, or the community mental health services to provide these people with the support they need to resolve the pain that the unfounded report causes.

Cultural, Racial, and Ethnic Bias in Reporting

"In recent years reports of child abuse and neglect have been increasing because of greater awareness of the problem and mandatory reporting laws that protect professionals from legal vulnerability in so doing." (Garbarino, Guttman, and Seeley, 1986) With the dramatic rise in the numbers of suspected abuse or neglect cases, an increasing concern for the possibility of bias has also surfaced.

Garbarino summarizes the issues of bias in the field of child maltreatment by pointing out that the increase in the reporting of child abuse and neglect also has expanded the probability of child protection workers inadvertently or otherwise displaying the bias rooted in their own life experiences and in the values of the community in which they practice or live. Social, cultural, and personal experience influences the assessment of child abuse. In order to counteract biases, it is necessary for a CPS worker to conduct a child protection investigation and include information from as many professional and community resources as possible. Clinical sources of information in the form of interviews, tests, and questionnaires are not sufficient.

The racial and cultural differences that exist among groups can represent a challenge, especially when those who develop and implement child protection laws are from backgrounds that differ from those of the client groups. Those charged with providing social services or enforcing child protection laws in society must guard against applying child protection standards in a culturally inappropriate way to those who are poor or of a different race or culture. They must also guard against assuming only men are abusive. The danger of selective application of child protection standards is further heightened by the fact that child protection workers tend to be the most overworked of the health and social service agency professionals. The excessive workload makes it more difficult for workers to respond as sensitively as they might like to the reality of the different cultures and races with which they come in contact. Although some colleges now include examination of these differences in their curricula, it is often cursory, and conscious and unconscious racism, sexism, and classism still exist in this country. The result is the over-reporting of poorer and racial minority families and the under-reporting of families who are financially stable or of the racial majority.

Over- and Under-Reporting

Research shows that a disproportionate number of families from the ranks of the poor, ethnic minorities, and the less educated are reported for child abuse and neglect. (Gil, 1970) African-American children more than any other group are over-represented as victims. European-American children are under-represented. A national study, conducted by the U.S. Department of Health and Social Services in 1981, *The Incidence and Severity of Child Abuse and Neglect*, confirms this reporting disparity, stating that hospitals over-report African-Americans and Hispanics and under-report European-Americans. This tendency to over-report one group suggests that educators and others who deal with all racial and cultural groups need to understand that race or ethnicity is not a determining factor in understanding the relationship between violence and the family. Programs that make the assumption that race and culture are the only determinants may lower their expectations of one group while ignoring the needs of children from another group. The assumptions denigrate a race or culture while poorly serving the health and safety needs of children from other races or cultures.

American Indian peoples and recent immigrants to this country face both a conflict in cultures and an isolation from the general community. The isolation may be attributed to a number of factors: language, maintenance of traditional customs, a clash in cultural values, and the initial struggle to establish economic security in this country.

For example, the Hmong people have traditionally practiced child marriage, including the custom of the prospective groom kidnapping the desired bride. In Wisconsin this has led to difficult legal problems, especially when the bride is underage or unwilling. A transitional approach to this situation is necessary to protect the rights that the Hmong children acquire when they arrive in this country. In most of these situations, local authorities have managed to deal effectively and compassionately with the Hmong community and the families involved through the Hmong leader. Together they have developed solutions that preserve the dignity of the Hmong families, protect all children, and assist the Hmong community to understand that a modification in their customs must be developed to accommodate to the laws of their new home.

Income

A most pervasive bias involves income and race. In some areas, the term, "low-income" could accurately refer to the economic status of most members of a specific race in that community, but it is inappropriate to use it to denote an entire racial group. "Low-income" describes a financial condition, not an individual or a family.

The educational and child protection systems were founded on middle-class values and from a middle-class perspective, and often the employees of these systems also come from middle-class backgrounds. This leads to a predominance of middle-class expectations within both the people and the programs that they implement. But because of the effort low-income families expend on basic survival, they often do not have the energy or experience to take on these expectations that differ markedly from their experiences. Violence, hunger, and marginal housing are the realities of their everyday life. The system expects them to attend school conferences, dress their children adequately, discipline with understanding words instead of physical punishment, help with homework, and a myriad of other responsibilities. Noncompliance with these standards on the part of the parents may simply indicate exhaustion; neglect or abuse may result from frustration and helplessness.

The systems should seek to involve the families more positively with the programs. Educators may be able to advocate for the families' more basic needs with social service, counseling, and vocational agencies before maltreatment occurs. A referral for such assistance may be the most effective prevention for maltreatment, and may support improved mental, physical, and emotional health.

American Indian Child Welfare Issues

A central fact exists from which non-American Indians must proceed if they are to understand the relationship between the community's institutions and American Indians. The United States Supreme Court declared that American Indians are members of a "domestic dependent nation." (*Cherokee Nation v. Georgia*, 30 U.S. (5 Pet.) 1 (1831)) This decision determines the fact that American Indians are members of a true nation that had existed before the advent of outside domination. These nations or tribes retained their rights to perform most of the governmental functions that other nations of the world practice, including regulation of the domestic relations of their members. Child protection is therefore part of the power and the responsibility retained by the tribes. Other laws redefined, limited, then reallocated powers to the tribe, producing complicated legal situations. Many citizens do not understand the need for and the legitimacy of the government-to-government relations among the U.S., the state, and the tribe.

In Wisconsin, the 11 tribes and bands have jurisdiction in cases of child abuse and neglect prevention, as well as child protection. The tribes may choose to delegate that authority to the state, but such delegation is their choice. The survival of the tribes is totally dependent on the preservation of their cultures through their children.

In the past, efforts by non-Indians to deal with American Indian children through state and federal child welfare laws resulted in isolating children from families and erroneously applying the standards of the majority society to the tribal population. For example, educators and social workers often perceived the traditional care of children by extended family members as parental abandonment. The system rarely recruited qualified Indian foster parents and almost never used them. Behavior associated with normal tribal cultures sometimes resulted in children's placement in foster care, depriving them of valuable cultural experiences. The increased involvement of large numbers of Indian people in re-establishing the importance of their tribal culture is changing the way child welfare agencies deliver their services to Indian children and the way tribes relate to the juvenile courts.

In Wisconsin, if the child suspected of being abused or neglected is a member of the tribe, mandated reporters are still required to make reports of their suspicions to a local child protection agency or to the law enforcement agency. County child protection and law enforcement agencies that receive reports of alleged abuse or neglect of an American Indian child are then required to inform the child's tribal government. The law also requires agencies to cooperate with the tribal governments to prevent, identify, and treat child abuse and neglect. Wisconsin school districts with American Indian students should establish close working relationships with tribal government representatives to ensure a collaborative approach to child welfare issues. (U.S. Department of Health and Human Services, 1986)

Social Services Issues

Philosophical and political forces in a community affect the implementation of child protection programs. Community leaders must resolve important questions before they can develop workable solutions to prevent and treat child abuse and neglect. Some of these questions are the following:

- What is the relationship between chronic neglect and severe poverty?
- When must society sacrifice the rights of truly inadequate parents to ensure the rights of children to be protected from maltreatment?
- How can a community recruit and fund supportive, alternative homes that provide adequate care for children whose parents cannot adequately nurture them?

Society has been unsuccessful in addressing these questions through legislation and social programs in part because research in child welfare has not as yet established answers on which to base effective legislation. The controversial issues listed below are among those that must be resolved before the public will support the system as strongly as it supports the *theory* of protecting children.

The Impact of Unsubstantiated Reports

Unsubstantiated reports reflect a lack of information and a general confusion about the understanding of child abuse and neglect. To fully understand the issue, one must realize that child maltreatment has been historically underreported, that recent mandatory laws have expanded the numbers of mandatory reporters, and that societal confusion exists over the definition of child maltreatment, all of which combine to explain an increase in reports of alleged child maltreatment. The proportion of unsubstantiated reports indicates the need to inform the public and the mandated reporters of what constitutes child abuse and neglect. Unsubstantiated reports in general have not been documented as a serious problem. Anecdotal information does indicate that it can be a problem in isolated communities and for the individuals and families who are falsely reported.

An unsubstantiated report differs from a false report. A report is considered to be "unsubstantiated" when an investigation neither produces enough facts for a formal CPS agency determination nor disproves the allegations of maltreatment. A false report occurs when someone with malicious intent and without legitimate suspicion reports another individual. With the overall increase in reporting, it is reasonable to assume that the number of unsubstantiated and false reports will also rise. The child protection system and the agencies employing mandated reporters need to consider developing supportive services for individuals and families experiencing trauma from such reports.

Parents' Rights Versus Children's Rights

In recent years, the legal system has differentiated the needs of children from those of adults, and placed definitions of those rights into law. The law cannot, however, overcome the societal philosophical confusion over the *exact* rights of children and the corresponding responsibility of parents to respect those rights. Until society addresses the problem, establishes a minimum level of parental child care, and accepts its responsibility to assist parents in meeting that standard, the controversy between parents' rights and children's rights will continue. The ongoing conflict will lessen the effectiveness of the child protection system's attempts to strengthen families and protect children. See sections 2 and 6 for more information.

The Best Way to Reduce Abuse and Neglect

Replication of effective child abuse and neglect prevention programs is limited due to lack of funding, political considerations, and lack of public understanding. Public education, coupled with an increased emphasis on research on the elements that make such programs effective, are necessary to reduce abuse and neglect. See section 3 of this guide for information and recommendations on prevention programs in Wisconsin's schools.

How to Improve the Current Intervention System

The current intervention system faces increased caseloads and decreased resources, both fiscal and staff. Communities, agencies, and individuals need to examine what collaborative efforts they might extend to the child protection agency and decide whether legislative action could be proposed to assist the child protection system in helping children and families.

How to Meet the Costs of Truly Protecting Children

Cost has become an issue in child protection partly because of the reduction in available fiscal resources and partly because of the increase in the numbers of children reported as possible victims. "Another way of responding to the 'cost' issue is to ask, 'Can we afford not to intervene?'" asks Dr. Deborah Daro of the National Committee for the Prevention of Child Abuse. She has summarized some of the immediate and long-term costs surrounding child maltreatment that policymakers should consider. Some examples include: $640 million in foster care costs, $14.8 million in juvenile court and detention costs, $685 million in loss of future earnings, and others. Besides the dollar costs, the human costs of lives diminished or even ended is tragic. (Schene, in Westman, 1987)

Ritual and Sadistic Abuse

The federal government recognizes the rights of certain groups to practice their religion without governmental interference. Such rights do not include the assault, abuse, or neglect of minor children. The following information is provided to assist mandated reporters in determining whether the behaviors they witness are abusive or legal and protected by law.

Ritual abuse refers to the sadistic form of physical, sexual, and psychological abuse of children, adolescents, and adults that involves the use of ceremonies or rites for the purpose of indoctrination into cult beliefs and practices. Ritual abuse is rarely a single episode; rather, it usually involves repeated abuse over an extended period of time and may occur as a part of family life in which one or both parents participate. Adults severely abuse the children and use intimidation to terrorize them into silence and to convert them to the belief system of the group.

Ritual abuse of adolescents and their continued participation in it may take place in family or school settings, or in youth gangs oriented to violence and self-styled ritualism. Mind control is the key element in dominating and silencing victims of ritual abuse; this includes an elaborate system of brainwashing, programming, indoctrination, hypnosis, and often the use of mind-altering drugs to compel victims to keep the secret of their abuse and to conform to the beliefs and behaviors of the cult.

Cults focus on controlling the minds of children under the age of six, because at this stage of development, individuals are most susceptible to having their characters, beliefs, and behaviors shaped. Cults use the following behavioral control techniques to indoctrinate new members: extended deprivation of food and water, pain, exhaustion, isolation, drugs, sexual abuse, bright lights, terror, guilt, and shame. Victims under the age of six suffer the most severe and long-lasting emotional damage. They live in a state of terror for long periods of time, often totally blocking out the memory of their experience during, and even long after, the abuse. Disclosure of the experience, even to therapists, is extremely difficult, painful, and terrifying for the victim, since the child may feel that the safety of his or her family depends on silence. Disbelief on the part of society contributes to the child keeping the secret psychologically buried. Dissociative defenses, that is, the total denial of reality, seal off the abuse and experiences from the rest of the child's life, and the memories may not be retrievable until adulthood, when the individual may be labeled psychotic. Many ritual abuse victims develop multiple personalities as a way to cope with their experience. (Boettcher, 1980; Kelley, 1990; Kelley, 1988; Moss, 1987)

References

Boettcher, R. *Gifts of Deceit*. New York: Holt, Rhinehart, and Winston, 1980.

Gil, David. *Violence Against Children: Physical Abuse in the United States*. Cambridge, MA: Harvard University Press, 1970.

Gil, Eliana. *Children Who Molest: A Guide for Parents of Young Sex Offenders*. Walnut Creek, CA: Launch Press, 1987.

Garbarino, J., A. Guttman, and C. Seeley. *The Psychologically Battered Child*. San Francisco, CA: Jossey-Boss Publishers, 1986, p. 21.

James, Beverly, and Maria Nasjleti. *Treating Sexually Abused Children and Their Families*. Palo Alto, CA: Consulting Psychologists Press, Inc., 1983.

Kelley, S. "Parental Stress Response to Sexual Abuse and Ritualistic Abuse of Children in Day Care Centers." *Nursing Research* 39.1 (January/February 1990), pp. 25-29.

Kelley, S. "Ritualistic Abuse of Children: Dynamics and Impact." *Cultic Studies Journal* 5.2 (1988), pp. 228-36.

Moss D. "Are the Children Lying?" *American Bar Association Journal* 73 (May 1987), pp. 58-62.

Schene, Patricia A. "Interventions in Child Abuse and Neglect." In *Who Speaks For the Children?* Ed. Jack Westman. Sarasota, FL: Professional Resources Exchange, 1987, pp. 205-220.

U.S. Department of Health and Human Services. *Protection of Native American Children From Abuse and Neglect*. Special Report. Washington, DC: Office of Human Development Services, Children's Bureau. November 1986.

Appendixes

8

A. *Annotated Resources*

B. *Relevant Legislation*

C. *Sauk County Community Schools Policy and Procedures in Reporting Child Abuse and / or Neglect*

D. *Cooperative Educational Service Agencies (CESA) Information*

E. *Department of Health and Social Services (DHSS) Information*

F. *School and Community Resource Collaboration*

G. *Child Protection Services: An Alphabetical Listing by Region*

Annotated Resources

Publications

Alvy, Kerby T. *Black Parenting Strategies for Training.* New York: Irvington Publishers, 1987. Distributor: Irvington Publishers, 740 Broadway, New York, NY 10003; (212) 472-4494. Grade level/audience: Professionals.
This book contains a profile of effective black parenting; the multiple forces that influence black parenting and child development; and a comparative study of black and white parenting images, attitudes, and practices.

Bakely, Sue. *But I Wasn't Trained for This: A Manual for Working with Mothers Who Are Retarded.* San Diego, CA: San Diego State University, 1986. Distributor: Wisconsin Committee for the Prevention of Child Abuse, 214 North Hamilton Street, Madison, WI 53703; (608) 256-3374. Grade level/audience: Professionals.
This manual contains practical suggestions for dealing with the problems developmentally disabled parents frequently have.

Bolton, Robert. *People Skills.* New York: Simon and Schuster, Inc., 1979. Distributor: Simon and Schuster, Inc., 1230 Avenue of the Americas, New York, NY 10020; (212) 698-7000. Grade level/audience: Professionals.
This book on communication emphasizes listening, assertion, and conflict management and offers practical assistance on building the necessary skills for working with parents.

Besharov, Douglas, J. *Recognizing Child Abuse: A Guide for the Concerned.* New York: The Free Press-Macmillan, Inc., 1988. Distributor: The Free Press-Macmillan, Inc., 866 Third Avenue, New York, NY 10022; (800) 257-5755. Grade level/audience: Professionals and the general public.
In this book, the author discusses the signs and symptoms of, and the ways to deal with child abuse situations.

Corey, Marianne, and Gerald Corey. *Becoming a Helper.* Pacific Grove, CA: Brooks/Cole Publishing Company, 1989. Distributor: Brooks/Cole Publishing Company, 511 Forest Lodge Road, Pacific Grove, CA 93950; (408) 373-0728. Grade level/audience: General public.
In this book, the authors examine how individuals can learn to offer constructive help to others.

Cross, Terry, L. *Cross-cultural Skills in Indian Child Welfare: A Guide for the Non-Indian.* Portland, OR: Northwest Indian Child Welfare Institute, 1988. Distributor: Northwest Indian Child Welfare Institute, 3415 S.E. Powell Blvd., Portland, OR 97202. Grade level/audience: Non-Indian professionals.
This monograph for non-Indians working with American Indian children and families provides background information about American Indian culture and family life. It also describes culturally appropriate offers of assistance and discusses pertinent issues in the delivery of child welfare services to American Indians.

Curran, Delores. *Working with Parents.* Circle Pines, MN: American Guidance Service, Inc., 1989. Distributor: American Guidance Service, Inc., 4201 Woodland Road, Circle Pines, MN 55014-1796; (612) 786-4343. Grade level/audience: Professionals.
A discussion and examination of how to work with a variety of parents is the focus of this book.

Daro, Deborah. *Confronting Child Abuse: Research for Effective Program Design.* New York: The Free Press-Macmillan, Inc., 1988. Distributor: The Free Press-Macmillan, Inc., 866 Third Avenue, New York, NY 10022; (800) 257-5755. Grade level/audience: Professionals.
This book provides research about successful prevention and treatment programs, and suggests how to develop programs.

Heighway, Susan. *Helping Parents Parent: A Practice Guide for Supporting Families Headed by Parents with Cognitive Limitations.* Madison, WI: Wisconsin Council on Developmental Disabilities, 1992. Distributor: Wisconsin Council on Developmental Disabilities, 722 Williamson Street, P.O. Box 7851, Madison, WI 53707-7851; (608) 266-7826. Grade level/audience: Professionals.
This practical manual helps professionals understand the needs of parents with cognitive disabilities. The book can help these parents meet the needs of their children.

Layman, Richard. *Child Abuse.* Detroit, MI: Omnigraphics, Inc., 1992. Distributor: Omnigraphics, Inc., Penobscot Building, Detroit, MI 48226; (800) 234-1340. Grade level/audience: Professionals and the general public.
This book contains a thorough discussion of child abuse, and professionals can use it to improve their own understanding as well as to prepare for community presentations. Community members will also be able to use this book.

Middleton-Moz, Jane. *Shame and Guilt: Masters of Disguise.* Deerfield Beach, FL: Health Communications, Inc., 1990. Distributor: Health Communications, Inc., 3201 S.W. 15th Street, Deerfield Beach, FL 33442-8124; (800) 328-9000. Grade level/audience: Professionals.
This book presents an understanding of the common characteristics of adults who were shamed in childhood, and how their shame manifests itself in adulthood.

Miller, Alice. *For Your Own Good.* New York: Noonday Press, 1990. Distributor: Farrar Straus & Giroux, One Union Square West, New York, NY 10003; (212) 741-6400. Grade level/audience: Professionals.
In this book, the author describes the use of abusive parenting and the ways abusive parents generally try to justify it.

Parker, Harvey. *The ADD Hyperactivity Workbook: For Parents, Teachers, and Kids.* Plantation, FL: Impact Publications, 1989. Distributor: Impact Publications, Suite 102, 300 N.W. 70th Avenue, Plantation, FL 33312; (305) 792-8100. Grade level/audience: Professionals (teachers) and parents.
This manual was created to assist parents and teachers to understand and deal with Attention Deficit Disorder (ADD) hyperactive children.

Potter-Effron, Ronald, and Patricia Potter-Effron. *Letting Go of Shame.* Center City, MN: Hazelden Educational Materials, 1989. Distributor: Hazelden Publishing Company,

P.O. Box 176, Center City, MN 55012; (800) 328-9000. Grade level/audience: Survivors of abuse and professionals.
Shame is the core symptom of growing up in a dysfunctional family. This is a guide for people healing from child abuse.

Ratte, C. *Encouraging Communities to Respond to Incest Survivors and Their Needs.* Madison: Community Shares of Wisconsin/Wisconsin Coalition Against Sexual Assault, 1989. Distributor: Wisconsin Coalition Against Sexual Assault, 1051 Williamson Street, Madison, WI 53703; (608) 257-1516. Grade level/audience: Professional school staff.
This book provides a plan of action for incest victims to use existing services and create new ones.

Rimm, S.B. *How to Parent So Children Will Learn.* Watertown, WI: Apple Publishing Company, 1990. Distributor: Apple Publishing Company, W6050 Apple Road, Watertown, WI 53094; (414) 261-1118. Grade level/audience: Parents, professionals.
This book provides a basis for a school-sponsored parent education group. School staff may also wish to use the book to help individual parents.

Visher, Emily, and John Visher. *Stepfamilies: A Guide to Working with Stepparents and Stepchildren.* New York: Brunner-Masel Publishing Company, 1979. Distributor: Brunner-Masel Publishing Company, 19 Union Square West, New York, NY 10003; (212) 924-3344. Grade level/audience: Professionals.
This book presents cultural and structural characteristics of the stepfamily, relationships among members of stepfamilies, and the process of recoupling.

Whitfield, Charles. *Healing the Child Within.* Deerfield Beach, FL: Health Communications, Inc., 1987. Distributor: Health Communications, Inc., 3201 S.W. 15th Street, Deerfield Beach, FL 33442-8124; (800) 328-9000. Grade level/audience: Professionals.
This book describes the childhoods and family dynamics of adult children of all dysfunctional families and focuses on the recovery process.

Woititz, Janet, and Alan Garner. *Life Skills for Adult Children.* Deerfield Beach, FL: Health Communications, Inc., 1990. Distributor: Health Communications, Inc., 3201 S.W. 15th Street, Deerfield Beach, FL 33442-8124; (800) 328-9000. Grade level/audience: Professionals and community adults.
This book contains practical ideas to help adult children develop life skills, express feelings, solve problems, and handle criticism.

Wyckoff, Jerry, and Brenda Unell. *Discipline Without Shouting or Spanking.* New York: Meadowbrook Books-Simon and Schuster, Inc., 1984. Distributor: Simon and Schuster, Inc., 1230 Avenue of the Americas, New York, NY 10020; (212) 698-7000. Grade level/audience: Parents.
This book suggests how parents can raise and discipline children without corporal punishment.

Videos

About Sexual Abuse: A Program for Teens and Young Adults. Video and manual. Fred Ward and Betty Ward, 1990. 25 minutes. Distributor: Unitarian Universalist Association, 25 Beacon Street, Boston, MA 02108. Grade level/audience: Ninth through 12th graders.

The program offers a basic explanation of abuse and neglect and provides information about getting help.

Acquaintance Rape Prevention. Set of four videotapes. O.D.N. Productions, 1988. Seven to 12 minutes each. Distributor: O.D.N. Productions, Suite 304, 74 Varick Street, New York, NY 10013; (212) 431-8923. Grade level/audience: Senior high students.

This program concentrates on the causes of acquaintance rape: mixed messages, poor communication, unrealistic expectations, and social and sexual role stereotypes. The fourth and final segment gives suggestions for prevention.

Break the Cycle. Video. Esprit Films, producer, 1988. 35 minutes. Distributor: Esprit Films, P.O. Box 2215, Station B, St. Catherine, Ontario, Canada L2M 6P6; (416) 685-8336. Grade level/audience: High school students and teachers.

This video contains interviews with victims of family violence, both the abused and abusers, to discover the effect of the abuse on their lives. The program includes suggestions for prevention.

Breaking the Cycle: Child Abuse. Video. Sunburst Productions, 1991. 30 minutes. Distributor: Sunburst Communications, 101 Castleton Street, Pleasantville, NY 10570-9971; (800) 431-1934. Grade level/audience: Seventh to 12th graders.

This video focuses on the help that both survivors and abusers receive from community agencies. Both groups are interviewed and the message of the tape is that abused children do not have to grow up and abuse their own children.

Coping Strategies for Sexual Abuse: If It Happens to You. Video. Sunburst Productions, 1986. 25 minutes. Distributor: Sunburst Communications, 101 Castleton Street, Pleasantville, NY 10570-9971; (800) 431-1934. Grade level/audience: Junior high students.

This video introduces the topic of sexual abuse and suggests ways that students may deal with it. The video also covers inappropriate physical and verbal advances.

Corporal Punishment: What to Do Instead. Video and manual. Steven Bavolek and Family Development Resources, Inc., 1990. 60 minutes. Distributor: Pinebrook, Park City, UT 84086; (801) 649-5822. Grade level/audience: Professionals and parents.

This program substitutes nurturing principles for physical punishment as the basis for discipline.

Degrassi Junior High: The Cover-up. Video. Playing with Time, Inc., and Taylor Productions, 1987. 45 minutes. Distributor: Direct Cinema, P.O. Box 69799, Los Angeles, CA 90069; (213) 652-8000. Grade level/audience: Junior high students.

This episode of the television program features the way a student reacts when he hears that another student has been physically abused.

A Hearing Impaired Woman's Incest Experience. Video. Hearing Impaired Health and Wellness, 1983. 20 minutes. Distributor: Hearing Impaired Health and Wellness, St. Paul Ramsey Medical Center, 640 Jackson Street, St. Paul, MN 55101; (612) 221-2719. Grade level/audience: Seventh through 12th grade students who are deaf or hearing impaired.

A victim describes her experience using American Sign Language with a voiceover in English. She explains the difference between rape and incest. The program is very intense, so when choosing to show this video, the presenter must know the emotional state of the students and be completely familiar with the content of the video.

NO — GO — TELL. Multimedia package. Child Abuse and Disabled Children's Project, 1988. Length of time varies with the needs of the students. Distributor: The Lexington Center, Inc., 30th and 75th Avenues, Jackson Heights, NY 11370; (718) 889-8800. Grade level/audience: Preschool and elementary.
This prevention skills program has 55 11- by 17-inch picture lesson panels that present major sexual abuse concepts for children with language impairments and other disabilities. This program is for purchase only and its price is $300.00.

Trust Building: A One-to-One Support Program for Children Ages 5 to 14. Ruth P. Arent. The Center for Applied Research in Education, 1992. Designed to be a daily approach to helping a student build coping skills and self-esteem over seven to ten weeks. Distributor: Arent Associates, P.O. Box 2501, Littleton, CO 80161; (303) 740-9343. Grade level/audience: Elementary through eighth grade, pupil service professionals.
This complete program is designed to help children who are recovering from the effects of child abuse and neglect.

When Sex Means Trouble. Video. Sunburst Productions, 1988. 24 minutes. Distributor: Sunburst Communications, 101 Castleton Street, Pleasantville, NY 10570-9971; (800) 431-1934. Grade level/audience: Junior and senior high school students.
The program discusses sexual abuse and exploitation, giving strategies to avoid potential abuse situations, improve self-protection, and handle peer pressure. The video also deals with date rape. Case histories are used as examples.

Journals for Article Submission

Childhood Education
Suite 315
11501 Georgia Avenue
Wheaton, MD 20902
(301) 942-2443

The Educational Digest
Prakken Publications
Suite 1
275 Metty Drive
Ann Arbor, MI 48107
(313) 769-1211

Education Forward
Bureau for School and Community Relations
Department of Public Instruction
P.O. Box 7841
Madison, WI 53707-7841
(608) 266-4499

Education Week
Editorial Projects in Education, Inc.
Suite 250
4301 Connecticut Avenue, N.W.
Washington, DC 20008
(202) 364-4114

The Instructor
730 Broadway
New York, NY 10003
(212) 505-3000

NEA Today
1201 16th Street, N.W.
Washington, DC 20036-3290
(202) 822-7207

Relevant Legislation

Chapter 48, The Children's Code

SUBCHAPTER III
JURISDICTIONS

48.13 Jurisdiction over children alleged to be in need of protection or services. The court has exclusive original jurisdiction over a child alleged to be in need of protection or services which can be ordered by the court, and:

(1) Who is without a parent or guardian;

(2) Who has been abandoned;

(3) Who has been the victim of sexual or physical abuse including injury which is self-inflicted or inflicted by another by other than accidental means;

(4) Whose parent or guardian signs the petition requesting jurisdiction and states that he or she is unable to care for, control or provide necessary special treatment or care for the child;

(5) Who has been placed for care or adoption in violation of law;

(6) Who is habitually truant from school, after evidence is provided by the school attendance officer that the activities under s. 118.16(5) have been completed, except as provided under s. 48.17(2);

(7) Who is habitually truant from home and either the child or a parent, guardian or a relative in whose home the child resides signs the petition requesting jurisdiction and attests in court that reconciliation efforts have been attempted and have failed;

(8) Who is receiving inadequate care during the period of time a parent is missing, incarcerated, hospitalized or institutionalized;

(9) Who is at least age 12, signs the petition requesting jurisdiction and attests in court that he or she is in need of special care and treatment which the parent, guardian or legal custodian is unwilling to provide;

(10) Whose parent, guardian or legal custodian neglects, refuses or is unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child;

(11) Who is suffering emotional damage for which the parent or guardian is unwilling to provide treatment, which is evidenced by one or more of the following characteristics, exhibited to a severe degree: anxiety, depression, withdrawal or outward aggressive behavior;

(11m) Who is suffering from an alcohol and other drug abuse impairment, exhibited to a severe degree, for which the parent or guardian is unwilling to provide treatment;

(12) Who, being under 12 years of age, has committed a delinquent act as defined in s. 48.12;

(13) Who has not been immunized as required by s. 140.05(16) and not exempted under s. 140.05(16)(c); or

(14) Who has been determined, under s. 48.30(5)(c), to be not responsible for a delinquent act by reason of mental disease or defect.

SUBCHAPTER V
PROCEDURE

48.25 Petition: authorization to file. **(1)** A petition initiating proceedings under this chapter shall be signed by a person who has knowledge of the facts alleged or is informed of them and believes them to be true. If a petition under s. 48.12 is to be filed, it shall be prepared, signed and filed by the district attorney. The district attorney, city attorney or corporation counsel or other appropriate official specified under s. 48.09 may file the petition if the proceeding is under s. 48.125 or 48.13. The counsel or guardian ad litem for a parent, relative, guardian or child may file a petition under s. 48.13 or 48.14. The district attorney, corporation counsel or other appropriate person designated by the court may initiate proceedings under s. 48.14 in a manner specified by the court.

SUBCHAPTER VI
DISPOSITION

48.356 Duty of court to warn. **(1)** Whenever the court orders a child to be placed outside his or her home because the child has been adjudged to be in need of protection or services under s. 48.345, 48.357, 48.363 or 48.365, the court shall orally inform the parent or parents who appear in court of any grounds for termination of parental rights under s. 48.415 which may be applicable and of the conditions necessary for the child to be returned to the home.

48.357 Change in placement. **(1)** The person or agency primarily responsible for implementing the dispositional order may request a change in the placement of the child, whether or not the change requested is authorized in the dispositional order and shall cause written notice to be sent to the child or the child's counsel or guardian ad litem, parent, guardian and legal custodian. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court. Any party receiving the notice under this subsection or notice of the specific foster placement under s. 48.355(2)(b)2 may obtain a hearing on the matter by filing an objection with the court within 10 days of receipt of the notice. Placements shall not be changed until 10 days after such notice is sent to the court unless the parent, guardian or legal custodian and the child, if 12 or more years of age, sign written waivers of objection, except that placement changes which were authorized in the dispositional order may be made immediately if notice is given as required in this subsection. In addition, a hearing is not required for placement changes authorized in the dispositional order except where an objection filed by a party who received notice alleges that new information is available which affects the advisability of the court's dispositional order.

(2) If emergency conditions necessitate an immediate change in the placement of a child placed outside the home, the person or agency primarily responsible for implementing the dispositional order may remove the child to a new placement, whether or not authorized by the existing dispositional order, without the prior notice provided in sub. (1). The notice shall, however, be sent within 48 hours after the emergency change in placement. Any party receiving notice may demand a hearing under sub. (1). In emergency situations, the child may be placed in a licensed public or private shelter care facility as a transitional placement for not more than 20 days, as well as in any placement authorized under s. 48.34(3).

(2m) The child, parent, guardian, legal custodian or any person or agency primarily bound by the dispositional order, other than the person or agency responsible for implementing the order, may request a change in placement under this subsection. The request shall contain the name and address of the place of the new placement requested and shall state what new information is available which affects the advisability of the current placement. This request shall be submitted to the court. In addition, the court may propose a change in placement on its own motion. The court shall hold a hearing on the matter prior to ordering any change in placement under this subsection if the request states that new information is available which affects the advisability of the current placement, unless written waivers of objection to the proposed change in placement are signed by all parties entitled to receive notice under sub. (1) and the court approves. If a hearing is scheduled, the court shall notify the child, parent, guardian, legal custodian and all parties who are bound by the dispositional order at least 3 days prior to the hearing. A copy of the request or proposal for the change in placement shall be attached to the notice. If all the parties consent, the court may proceed immediately with the hearing.

(3) If the proposed change in placement would involve placing the child with the department notice shall be given as provided in sub. (1). A hearing shall be held, unless waived by the child, parent, guardian and legal custodian, before the judge makes a decision on the request. The child shall be entitled to counsel at the hearing, and any party opposing or favoring the proposed new placement may present relevant evidence and cross-examine witnesses. The proposed new placement may be approved only if the judge finds, on the record, that the conditions set forth in s. 48.34(4m) have been met.

(4) When the child is placed with the department, the department may, after an examination under s. 48.50, place the child in a secured correctional facility or on aftercare, either immediately or after a period of placement in a secured correctional facility. The department shall send written notice of the change to the parent, guardian, legal custodian and committing court.

(4m) The department shall try to release a child on aftercare under sub. (4) within 30 days after the date the department determines the child is eligible for the release.

(5) If a child placed with the department has been released on aftercare, revocation of aftercare shall not require prior notice under sub. (1). A child on aftercare status may be taken into custody only as provided in ss. 48.19 to 48.21. The child shall be entitled to representation by counsel at all stages of the revocation proceeding. The hearing shall be conducted by the division of hearings and appeals in the department of administration. Review of a revocation decision shall be by certiorari to the court by whose order the child was placed with the department.

(6) No change in placement may extend the expiration date of the original order.

SUBCHAPTER VII
PERMANENCY PLANNING; RECORDS

48.38 Permanency planning. **(4)** CONTENTS OF PLAN. The permanency plan shall include a description of all of the following:

(a) The services offered and any service provided in an effort to prevent holding or placing the child outside of his or her home, and to make it possible for the child to return home.

(b) The basis for the decision to hold the child in custody or to place the child outside of his or her home.

(c) The location and type of facility in which the child is currently held or placed, and the location and type of facility in which the child will be placed.

(d) If the child is living more than 60 miles from his or her home, documentation that placement within 60 miles of the child's home is either unavailable or inappropriate.

(e) The appropriateness of the placement and of the services provided to meet the needs of the child and family, including a discussion of services that have been investigated and considered and are not available or likely to become available within a reasonable time to meet the needs of the child or, if available, why such services are not appropriate.

(f) The services that will be provided to the child, the child's family and the child's foster parent or operator of the facility where the child is living to carry out the dispositional order, including services planned to accomplish all of the following:

1. Ensure proper care and treatment of the child and promote stability in the placement.

2. Meet the child's physical, emotional, social, educational and vocational needs.

3. Improve the conditions of the parents' home to facilitate the return of the child to his or her home, or, if appropriate, obtain an alternative permanent placement for the child.

(g) The conditions, if any, upon which the child will be returned to his or her home, including any changes required in the parents' conduct, the child's conduct or the nature of the home.

(5) PLAN REVIEW. (a) Either the court or, if the court does not elect to do so, a panel consisting of at least 3 persons appointed by the agency that prepared the permanency plan shall review the permanency plan every 6 months from the date on which the child was first held in physical custody or placed outside of his or her home. At least one person on each panel shall be a person who is not employed by the agency that prepared the permanency plan and who is not responsible for providing services to the child or the parents of the child whose permanency plan is the subject of the review.

(b) The court or the agency shall notify the parents of the child, the child if he or she is 12 years of age or older and the child's foster parent or operator of the facility in which the child is living of the time and place of the review and of the fact that they may participate in the review. The notice shall be provided in writing not less than 10 days before the review and a copy shall be filed in the child's case record.

(c) The court or the panel shall determine each of the following:

1. The continuing necessity for and the appropriateness of the placement.

2. The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents and the child.

3. The extent of any efforts to involve appropriate service providers in addition to the agency's staff in planning to meet the special needs of the child and the child's parents.

4. The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child to his or

her home or obtaining a permanent placement for the child.

5. The date by which it is likely that the child will be returned to his or her home, placed for adoption, placed under legal guardianship or otherwise permanently placed.

6. If the child has been placed outside of his or her home for 2 years or more, the appropriateness of the permanency plan and the circumstances which prevent the child from:

a. Being returned to his or her home;

b. Having a petition for the involuntary termination of parental rights filed on behalf of the child;

c. Being placed for adoption; or

d. Being placed in sustaining care.

7. Whether reasonable efforts were made by the agency to make it possible for the child to return to his or her home.

SUBCHAPTER XX
MISCELLANEOUS PROVISIONS

48.981 Abused or neglected children. **(1)** DEFINITIONS. In this section:

(a) "Abuse" means any of the following:

1. Physical injury inflicted on a child by other than accidental means.

2. Sexual intercourse or sexual contact under s. 940.225 or 948.02.

3. A violation of s. 948.05.

4. Permitting, allowing or encouraging a child to violate s. 944.30.

5. Emotional damage.

6. A violation of s. 940.227.

(b) "Child" means any person under 18 years of age.

(cm) "Emotional damage" means harm to a child's psychological or intellectual functioning which is exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors, which is caused by the child's parent, guardian, legal custodian or other person exercising temporary or permanent control over the child and for which the child's parent, guardian or legal custodian has failed to obtain the treatment necessary to remedy the harm. "Emotional damage" may be demonstrated by a substantial and observable change in behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development.

(cs) "Indian child" means any unmarried person who is under the age of 18 years and is affiliated with an Indian tribe or band in any of the following ways:

1. As a member of the tribe or band.

2. As a person who is both eligible for membership in the tribe or band and is the biological child of a member of the tribe or band.

(d) "Neglect" means failure, refusal or inability on the part of a parent, guardian, legal custodian or other person exercising temporary or permanent control over a child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

(e) "Physical injury" includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe or frequent bruising or great bodily harm as defined under s. 939.22(14).

(f) "Record" means any document relating to the investigation, assessment and disposition of a report under this section.

(fm) "Relative" means a parent, grandparent, stepparent, brother, sister, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepgrandparent, stepbrother, stepsister, half brother, half sister, brother-in-law or sister-in-law.

(g) "Reporter" means a person who reports suspected abuse or neglect or a belief that abuse or neglect will occur under this section.

(h) "Subject" means a person named in a report or record as either of the following:

1. A child who is the victim or alleged victim of abuse or neglect or who is threatened with abuse or neglect.

2. A person who either is suspected of abuse or neglect, is exercising temporary or permanent control over a child who is threatened with abuse or neglect or has been determined to have abused or neglected a child.

(i) "Tribal agent" means the person designated under 25 CFR 23.12 by an Indian tribe or band to receive notice of involuntary child custody proceedings under the Indian child welfare act, 25 USC 1901 to 1963.

(2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or mental health professional, social or public assistance worker, school teacher, administrator or counselor, mediator under s. 767.11, child care worker in a day care center or child caring institution, day care provider, alcohol or other drug abuse counselor, member of the treatment staff employed by or working under contract with a county department under s. 46.23, 51.42 or 51.437, physical therapist, occupational therapist, speech-language pathologist, audiologist, emergency medical technician or police or law enforcement officer having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under sub. (2m), report as provided in sub. (3). Any other person, including an attorney, having reason to suspect that a child has been abused or neglected or reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may make such a report. No person making a report under this subsection may be discharged from employment for so doing.

(2m) EXCEPTION TO REPORTING REQUIREMENT. (a) The purpose of this subsection is to allow children to obtain confidential health care services.

(b) In this subsection:

1. "Health care provider" means a physician, as defined under s. 448.01(5), a physician's assistant, as defined under s. 448.01(6), or a nurse holding a certificate of registration under s. 441.06(1) or a license under s. 441.10(3).

2. "Health care service" means family planning services, pregnancy testing, obstetrical health care or screening, diagnosis and treatment for a sexually transmitted disease.

(c) Except as provided under pars. (d) and (e), the following persons are not required to report as suspected or threatened abuse, as defined under sub. (1)(a)2, sexual intercourse or sexual contact involving a child:

1. A health care provider who provides any health care service to a child.

4. A person who obtains information about a child who is receiving or has received health care services from a health care provider.

(d) Any person described under par. (c)1 or 4 shall report as required under sub. (2) if he or she has reason to suspect any of the following:

1. That the sexual intercourse or sexual contact occurred or is likely to occur with any of the following:

a. A relative of the child.

b. The child's guardian.

c. The child's legal custodian.

d. An employe of a residential facility or child caring institution in which the child was or is placed.

e. A person who provides or has provided care for the child in or outside of the child's home.

f. A person who resides or has resided regularly or intermittently in the same dwelling with the child.

g. Any other person who exercises or has exercised temporary or permanent control over or who temporarily or permanently supervises or has supervised the child.

2. That the child suffered or suffers from a mental illness or mental deficiency that rendered or renders the child temporarily or permanently incapable of understanding or evaluating the consequences of his or her actions.

3. That the child, because of his or her age or immaturity, was or is incapable of understanding the nature or consequences of sexual intercourse or sexual contact.

4. That the child was unconscious at the time of the act or for any other reason was physically unable to communicate unwillingness to engage in sexual intercourse or sexual contact.

5. That another participant in the sexual contact or sexual intercourse was or is exploiting the child.

(e) In addition to the reporting requirements under par. (d), a person described under par. (c)1 or 4 shall report as required under sub. (2) if he or she has any reasonable doubt as to the voluntariness of the child's participation in the sexual contact or sexual intercourse.

(3) REPORTS; INVESTIGATION. (a) *Referral of report.* A person required to report under sub. (2) shall immediately inform, by telephone or personally, the county department or the sheriff or city police department of the facts and circumstances contributing to a suspicion of child abuse or neglect or to a belief that abuse or neglect will occur. The sheriff or police department shall within 12 hours, exclusive of Saturdays, Sundays or legal holidays, refer to the county department all cases reported to it. The county department may require that a subsequent report be made in writing. Each county department shall adopt a written policy specifying the kinds of reports it will routinely report to local law enforcement authorities.

(b) *Duties of local law enforcement agencies.* 1. Any person reporting under this section may request an immediate investigation by the sheriff or police department if the person has reason to suspect that a child's health or safety is in immediate danger. Upon receiving such a request, the sheriff or police department shall immediately investigate to determine if there is reason to believe that the child's health or safety is in immediate danger and take any necessary action to protect the child.

2. If the investigating officer has reason under s. 48.19(1)(c) or (d)5 to take a child into custody, the investigating officer shall take the child into custody and deliver the child to the intake worker under s. 48.20.

3. If the police or other law enforcement officials determine that criminal action is necessary, they shall refer the case to the district attorney for criminal prosecution.

(bm) *Notice of report to Indian tribal agent.* In a county which has wholly or partially within its boundaries a federally recognized Indian reservation or a bureau of Indian affairs service area for the Winnebago tribe, if a county department which receives a report under par. (a) pertaining to a child knows that he or she is an Indian child who resides in the county, the county department shall provide notice, which shall consist only of the name and address of the child and the fact that a report has been received about that child, within 24 hours to one of the following:

1. If the county department knows with which tribe or band the child is affiliated and it is a Wisconsin tribe or band, the tribal agent of that tribe or band.

2. If the county department does not know with which tribe or band the child is affiliated or the child is not affiliated with a Wisconsin tribe or band, the tribal agent serving the reservation or Winnebago service area where the child resides.

3. If neither subd. 1 nor 2 applies, any tribal agent serving a reservation or Winnebago service area in the county.

(c) *Duties of county departments.* 1. Within 24 hours after receiving a report under par. (a), the county department or licensed child welfare agency under contract with the county department shall, in accordance with the authority granted to the county department under s. 48.57(1)(a), initiate a diligent investigation to determine if the child is in need of protection or services. The investigation shall be conducted in accordance with standards established by the department for conducting child abuse and neglect investigations and shall include observation of or an interview with the child, or both, and, if possible, a visit to the child's home or usual living quarters and an interview with the child's parents, guardian or legal custodian. At the initial visit to the child's home or living quarters, the person making the investigation shall identify himself or herself and the county department or licensed child welfare agency involved to the child's parents, guardian or legal custodian. The county department or licensed child welfare agency under contract with the county department may contact, observe or interview the child at any location without permission from the child's parent, guardian or legal custodian if necessary to determine if the child is in need of protection or services, except that the person making the investigation may enter a child's home or living quarters only with permission from the child's parent, guardian or legal custodian or after obtaining a court order to do so.

2. a. If the person making the investigation is an employe of the county department and he or she determines that it is consistent with the child's best interest in terms of physical safety and physical health to remove the child from his or her home for immediate protection, he or she shall take the child into custody under s. 48.08(2) or 48.19(1)(c) and deliver the child to the intake worker under s. 48.20.

b. If the person making the investigation is an employe of a licensed child welfare agency which is under contract with the county department and he or she determines that any child in the home requires immediate protection, he or she shall notify the county department of the circumstances and together with an employe of the county department shall take the child into custody under s. 48.08(2) or 48.19(1)(c) and deliver the child to the intake worker under s. 48.20.

3. If the county department determines that a child, any member of the child's family or the child's guardian or legal custodian is in need of services, the county department shall offer to

provide appropriate services or to make arrangements for the provision of services. If the child's parent, guardian or legal custodian refuses to accept the services, the county department may request that a petition be filed under s. 48.13 alleging that the child who is the subject of the report or any other child in the home is in need of protection or services.

4. The county department shall determine, within 60 days after receipt of a report, whether abuse or neglect has occurred or is likely to occur. The determination shall be based on a preponderance of the evidence produced by the investigation. A determination that abuse or neglect has occurred may not be based solely on the fact that the child's parent, guardian or legal custodian in good faith selects and relies on prayer or other religious means for treatment of disease or for remedial care of the child. In making a determination that emotional damage has occurred, the county department shall give due regard to the culture of the subjects and shall establish that the person alleged to be responsible for the emotional damage is unwilling to remedy the harm. This subdivision does not prohibit a court from ordering medical services for the child if the child's health requires it.

5. The county department and licensed child welfare agency under contract with the county department shall maintain a record of its actions in connection with each report it receives. The record shall include a description of the services provided to any child and to the parents, guardian or legal custodian of the child. The county department and licensed child welfare agency under contract with the county department shall update the record every 6 months until the case is closed.

6. The county department or licensed child welfare agency under contract with the county department shall, within 60 days after it receives a report from a person required under sub. (2) to report, inform the reporter what action, if any, was taken to protect the health and welfare of the child who is the subject of the report.

7. The county department shall cooperate with law enforcement officials, courts of competent jurisdiction, tribal governments and other human service agencies to prevent, identify and treat child abuse and neglect. The county department shall coordinate the development and provision of services to abused and neglected children and to families where abuse or neglect has occurred or to children and families where circumstances justify a belief that abuse or neglect will occur.

8. Using the format prescribed by the department, each county department shall provide the department with information about each report that it receives or that is received by a licensed child welfare agency that is under contract with the county department and about each investigation it or a licensed child welfare agency under contract with the county department conducts. This information shall be used by the department to monitor services provided by county departments or licensed child welfare agencies under contract with county departments. The department shall use nonidentifying information to maintain statewide statistics on child abuse and neglect, and for planning and policy development.

9. The county agency may petition for child abuse restraining orders and injunctions under s. 48.25(6).

(cm) *Contract with licensed child welfare agencies.* A county department may contract with a licensed child welfare agency to fulfill its duties specified under par. (c)1, 2.b., 5, 6 and 8. The confidentiality provisions specified in sub. (7) shall apply to any licensed child welfare agency with which a county department contracts.

(d) *Independent investigation.* 1. In this paragraph, "agent" includes, but is not limited to, a foster parent or other person given custody of a child or a human services professional employed by a county department under s. 51.42 or 51.437 who is working with the child under contract with or under the supervision of the county department under s. 46.215 or 46.22.

2. If an agent or employe of a county department or licensed child welfare agency under contract with the county department required to investigate under this subsection is the subject of a report, or if the county department or licensed child welfare agency under contract with the county department determines that, because of the relationship between the county department or licensed child welfare agency under contract with the county department and the subject of a report, there is a substantial probability that the county department or licensed child welfare agency under contract with the county department would not conduct an unbiased in-

vestigation, the county department or licensed child welfare agency under contract with the county department shall, after taking any action necessary to protect the child, notify the department. Upon receipt of the notice, the department or a county department or child welfare agency designated by the department shall conduct an independent investigation. If the department designates a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, that county department shall conduct the independent investigation. If a licensed child welfare agency agrees to conduct the independent investigation, the department may designate that agency to do so. The powers and duties of the department or designated county department or child welfare agency making an independent investigation are those given to county departments under par. (c).

(4) IMMUNITY FROM LIABILITY. Any person or institution participating in good faith in the making of a report, conducting an investigation, ordering or taking of photographs or ordering or performing medical examinations of a child under this section shall have immunity from any liability, civil or criminal, that results by reason of the action. For the purpose of any proceeding, civil or criminal, the good faith of any person reporting under this section shall be presumed. The immunity provided under this subsection does not apply to liability for abusing or neglecting a child.

(5) CORONER'S REPORT. Any person or official required to report cases of suspected child abuse or neglect who has reasonable cause to suspect that a child died as a result of child abuse or neglect shall report the fact to the appropriate medical examiner or coroner. The medical examiner or coroner shall accept the report for investigation and shall report the findings to the appropriate district attorney, the department, the county department and, if the institution making the report initially is a hospital, to the hospital.

(6) PENALTY. Whoever intentionally violates this section by failure to report as required may be fined not more than $1,000 or imprisoned not more than 6 months or both.

(7) CONFIDENTIALITY. (a) All reports made under this section, notices provided under sub. (3)(bm) and records maintained by the department, county departments or licensed child welfare agencies under contract with the county departments and other persons, officials and institutions shall be confidential. Reports and records may be disclosed only to the following persons:

1. The subject of a report, except that the person or agency maintaining the record or report may not disclose any information that would identify the reporter.

2. Appropriate staff of the department, a county department or licensed child welfare agency under contract with the county department, or a tribal social services department.

3. An attending physician for purposes of diagnosis and treatment.

4. A child's foster parent or other person having custody of the child, except that the person or agency maintaining the record or report may not disclose any information that would identify the reporter.

5. A professional employe of a county department under s. 51.42 or 51.437 who is working with the child under contract with or under the supervision of the county department under s. 46.215 or 46.22.

6. A multidisciplinary child abuse and neglect team recognized by the county department.

7. Another county department or licensed child welfare agency under contract with that county department or a tribal social services department that is currently investigating a report of suspected or threatened child abuse or neglect involving a subject of the record or report.

8. A law enforcement officer or agency for purposes of investigation or prosecution.

9. A court or administrative agency for use in a proceeding relating to the licensing or regulation of a facility regulated under this chapter.

10. A court conducting proceedings related to a petition under s. 48.13 or a court conducting dispositional proceedings under subch. VI in which abuse or neglect of the child who is the subject of the report or record is an issue.

10m. A tribal court, or other adjudicative body authorized by a tribe or band to perform child welfare functions, that exercises jurisdiction over children alleged to be in need of protection or ser-vices for use in proceedings in which abuse or ne-glect of the child who is the subject of the report or record is an issue.

11. The county corporation counsel or district attorney representing the interests of the public in proceedings under subd. 10.

11m. An attorney representing the interests of an Indian tribe or band or of an Indian child in proceedings under subd. 10m.

12. A person engaged in bona fide research, with the permission of the department. Information identifying subjects and reporters may not be disclosed to the researcher.

13. The department, a county department or licensed child welfare agency ordered to conduct a screening or an investigation of a stepparent under s. 48.88(2)(c).

14. A grand jury if it determines that access to specified records is necessary for the conduct of its official business.

(am) Notwithstanding par. (a) (intro.), a tribal agent who receives notice under sub. (3)(bm) may disclose the notice to a tribal social services department.

(b) Notwithstanding par. (a), either parent of a child may authorize the disclosure of a record for use in a child custody proceeding under s. 767.24 when the child has been the subject of a report. Any information that would identify a reporter shall be deleted before disclosure of a record under this paragraph.

(c) Notwithstanding par. (a), the subject of a report may authorize the disclosure of a record to the subject's attorney. The authorization shall be in writing. Any information that would identify a reporter shall be deleted before disclosure of a record under this paragraph.

(cm) A county agency may disclose information from its records for use in proceedings under s. 48.25(6) or 813.122.

(d) The department may have access to any report or record maintained by a county department or licensed child welfare agency under con-tract with a county department under this section.

(e) A person to whom a report or record is disclosed under this subsection may not further disclose it, except to the persons and for the purposes specified in this section.

(f) Any person who violates this subsection, or who permits or encourages the unauthorized dissemination or use of information contained in reports and records made under this section, may be fined not more than $1,000 or imprisoned not more than 6 months or both.

(8) EDUCATION, TRAINING AND PROGRAM DEVELOPMENT AND COORDINATION. (a) The department and county departments to the extent feasible shall conduct continuing education and training programs for staff of the department, county departments and tribal social services departments, persons and officials required to report, the general public and others as appropriate. The programs shall be designed to encourage reporting of child abuse and neglect, to encourage self-reporting and voluntary acceptance of services and to improve communication, cooperation and coordination in the identification, prevention and treatment of child abuse and neglect. The department and county departments shall develop public information programs about child abuse and neglect.

(b) The department shall to the extent feasible ensure that there are available in the state administrative procedures, personnel trained in child abuse and neglect, multidisciplinary programs and operational procedures and capabilities to deal effectively with child abuse and neglect cases. These procedures and capabilities may include, but are not limited to, receipt, investigation and verification of reports; determination of treatment or ameliorative social services; or referral to the appropriate court.

(c) In meeting its responsibilities under par. (a) or (b), the department or a county department may contract with any public or private organization which meets the standards set by the department. In entering into the contracts the department or county department shall give priority to parental organizations combating child abuse and neglect.

(d) 1. Each county department or licensed child welfare agency under contract with a county department staff member and supervisor whose responsibilities include investigation or treatment of child abuse and neglect shall successfully complete training in child abuse and neglect protective services approved by the department. The department shall monitor compliance with this subdivision according to rules promulgated by the department.

2. Each year the department shall make available training programs that permit intake workers and county department or licensed child welfare agency under contract with a county department staff members and supervisors to satisfy the requirements under subd. 1 and s. 48.06(1)(am)3 and (2)(c).

Chapter 115, State Superintendent; General Classifications and Definitions; Handicapped Children

115.368 Assistance to schools for protective behaviors programs. **(1)** The purpose of this section is to enable and encourage public and private schools to develop protective behaviors programs and anti-offender behavior programs designed to assist minors and their parents or guardians in recognizing, avoiding, preventing and halting physically or psychologically intrusive or abusive situations that may be harmful to minors.

(2) The department, in conjunction with the department of health and social services, and after consulting with established organizations providing services with a focus on children at risk, shall:

(a) Develop and conduct protective behaviors training programs for the professional staff of public and private schools and counties under ss. 46.034, 46.215, 46.22, 46.23, 51.42 and 51.437. The training programs shall include information on how to assist a minor and his or her parent or guardian in recognizing, avoiding, preventing and halting physically or psychologically intrusive or abusive situations that may be harmful to the minor, including child abuse, sexual abuse and child enticement. The training programs shall emphasize how to help minors to develop positive psychological, emotional and problem-solving responses to such situations, and to avoid relying on negative, fearful or solely reactive methods of dealing with such situations. The training programs shall also include information on the detection, by other minors, their parents or guardians and school staff, of conditions that indicate that a minor is being or has been subjected to such situations; the proper action to take when there is reason to believe that a minor is being or has been subjected to such situations; and the coordination of school protective behaviors programs and activities with programs and activities of other state and local agencies. Persons other than the professional staff of public and private schools and counties under ss. 46.034, 46.215, 46.22, 46.23, 51.42 and 51.437 may attend the training programs. The department may charge such persons a fee sufficient to cover the increased costs of materials, but not personnel cost, to the department of their participation in the programs. The department may not deny any resident of Wisconsin the opportunity to participate in a program if the person is unable to pay any fee.

(b) Provide consultation and technical assistance to public and private schools for the development and implementation of protective behaviors programs and the coordination of those programs with programs of other state and local agencies.

History: 1985 a. 213; 1985 a. 332 ss. 153, 253

Chapter 118, General School Operations

118.126 Privileged communications. **(1)** A school psychologist, counselor, social worker and nurse, and any teacher or administrator designated by the school board who engages in alcohol or drug abuse program activities, shall keep confidential information received from a pupil that the pupil or another pupil is using or is experiencing problems resulting from the use of alcohol or other drugs unless:

(a) The pupil using or experiencing problems resulting from the use of alcohol or other drugs consents in writing to disclosure of the information;

(b) The school psychologist, counselor, social worker, nurse, teacher or administrator has reason to believe that there is serious and imminent danger to the health, safety or life of any person and that disclosure of the information to another person will alleviate the serious and imminent danger. No more information than is required to alleviate the serious and imminent danger may be disclosed; or

(c) The information is required to be reported under s. 48.981.

(2) A school psychologist, counselor, social worker or nurse, or any teacher or administrator designated by the school board who engages in alcohol or drug abuse program activities, who in good faith discloses or fails to disclose information under sub. (1) is immune from civil liability for such acts or omissions. This subsection does not apply to information required to be reported under s. 48.981.

History: 1979 c. 331; 1985 a. 163; 1987 a. 188, 339

118.163 Municipal truancy ordinances. **(1)** In this section, "habitual truant" means a pupil who is absent from school without an acceptable excuse under s. 118.15 for either of the following:

(a) Part or all of 5 or more days out of 10 consecutive days on which school is held during a school semester.

(b) Part or all of 10 or more days on which school is held during a school semester.

(2) A county, city, village or town may enact an ordinance prohibiting a child from being a habitual truant. The ordinance shall provide which of the following dispositions are available to the court:

(a) Suspension of the child's operating privilege, as defined in s. 340.01(40), for not less than 30 days nor more than 90 days. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.

(b) An order for the child to participate in counseling, community service or a supervised work program as provided under s. 48.34(9).

(c) An order for the child to remain at home except during hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.

(d) An order for the child to attend an educational program under s. 48.34(12).

(3) An ordinance enacted by a county under sub. (2) is applicable in that part of any city or village located in the county and in any town located in the county, unless the city, village or town has enacted an ordinance under sub. (2).

Section note: 1987 Acts 285, 285 s. 35; 1991 Act 39

118.31 Corporal punishment. **(1)** In this section, "corporal punishment" means the intentional infliction of physical pain which is used as a means of discipline. "Corporal punishment" includes, but is not limited to, paddling, slapping or prolonged maintenance of physically painful positions, when used as a means of discipline. "Corporal punishment" does not include actions consistent with an individualized education program developed under s. 115.80(4)(a) or reasonable physical activities associated with athletic training.

(2) Except as provided in sub. (3), no official, employe or agent of a school board may subject a pupil enrolled in the school district to corporal punishment.

(3) Subsection (2) does not prohibit an official, employe or agent of a school board from:

(a) Using reasonable and necessary force to quell a disturbance or prevent an act that threatens physical injury to any person.

(b) Using reasonable and necessary force to obtain possession of a weapon or other dangerous object within a pupil's control.

(c) Using reasonable and necessary force for the purpose of self-defense or the defense of others under s. 939.48.

(d) Using reasonable and necessary force for the protection of property under s. 939.49.

(e) Using reasonable and necessary force to remove a disruptive pupil from a school premises or motor vehicle, as defined in s. 125.09(2)(a)1 and 4, or from school-sponsored activities.

(f) Using reasonable and necessary force to prevent a pupil from inflicting harm on himself or herself.

(g) Using reasonable and necessary force to protect the safety of others.

(h) Using incidental, minor or reasonable physical contact designed to maintain order and control.

(4) In determining whether or not a person was acting within the exceptions in sub. (3), deference shall be given to reasonable, good faith judgments made by an official, employe or agent of a school board.

(5) Except as provided in s. 939.61(1), this section does not create a separate basis for civil liability of a school board or their officials, employes or agents for damages arising out of claims involving allegations of improper or unnecessary use of force by school employes against students.

(6) Nothing in this section shall prohibit, permit or otherwise affect any action taken by an official, employe or agent or a school board with regard to a person who is not a pupil enrolled in the school district.

Section note: 1987 Act 303; 1989 Act 26; 1991 Act 164; 1987 Act 303 ss. 1, 3 and 4 provide:

Section 1. **Legislative findings and purpose.** The legislature finds that the use of corporal punishment in public schools is not a desirable means of modifying a pupil's behavior or an appropriate means of discipline. In addition, the legislature is concerned about reports of a growing incidence of child abuse and finds that prohibiting corporal punishment is consistent with the state's broader efforts to protect children and to eliminate the use of physical violence against them. Except for the prohibition against the use of corporal punishment, the legislature does not intend to interfere with disciplinary policies adopted and enforced by school boards. Each school board is encouraged to provide in-service training, or any other type of training, to assist school employes in complying with section 118.31 of the statutes, as created by this act.

Section 3. **Nonstatutory provisions; public instruction.** Prior to September 1, 1988, the department of public instruction shall inform each school board of the requirements under section 118.31 of the statutes.

Section 4. **Effective dates.** This act takes effect on September 1, 1988.

Chapter 895, Miscellaneous General Provisions

895.46 State and political subdivisions thereof to pay judgments taken against officers. **(1)** (a) If the defendant in any action or special proceeding is a public officer or employe and is proceeded against in an official capacity or is proceeded against as an individual because of acts committed while carrying out duties as an officer or employe and the jury or the court finds that the defendant was acting within the scope of employment, the judgment as to damages and costs entered against the officer or employe in excess of any insurance applicable to the officer or employe shall be paid by the state or political subdivision of which the defendant is an officer or employe. Agents of any department of the state shall be covered by this section while acting within the scope of their agency. Regardless of the results of the litigation the governmental unit, if it does not provide legal counsel to the defendant officer or employe, shall pay reasonable attorney fees and costs of defending the action, unless it is found by the court or jury that the defendant officer or employe did not act within the scope of employment. If the employing state agency or the attorney general denies that the state officer, employe or agent was doing any act growing out of or committed in the course of the discharge of his or her duties, the attorney general may appear on behalf of the state to contest that issue without waiving the state's sovereign immunity to suit. Failure by the officer or employe to give notice to his or her department head of an action or special proceeding commenced against the defendant officer or employe as soon as reasonably possible is a bar to recovery by the officer or employe from the state or political subdivision of reasonable attorney fees and costs of defending the action. The attorney fees and expenses shall not be recoverable if the state or political subdivision offers the officer or employe legal counsel and the offer is refused by the defendant officer or employe. If the officer, employe or agent of the state refuses to cooperate in the defense of the litigation, the officer, employe or agent is not eligible for any indemnification or for the provision of legal counsel by the governmental unit under this section.

(b) Persons holding the office of county sheriff on March 1, 1983, are covered by this subsection. This subsection covers other county sheriffs who have:

1. Satisfactorily completed or are currently enrolled in the preparatory program of law enforcement training under s. 165.85(4)(b)1 and, if applicable, the recertification programs under s. 165.85(4)(bn)1, or have provided evidence of equivalent law enforcement training and experience as determined by the law enforcement standards board; or

2. At least 5 years of full-time employment as a law enforcement officer, as defined in s. 165.85(2)(c).

(c) This subsection does not apply to any action or special proceeding brought by a county against its county sheriff if the action or proceeding is determined in favor of the county.

(d) On and after March 1, 1983, all persons employed as deputy sheriffs, as defined in s. 40.02(48)(b)3, are covered by this subsection. The county board shall adopt written policies for payments under this subsection on behalf of any other person, provided that person has satisfied the minimum standards of the law enforcement standards board, who serves at the discretion of the sheriff as a law enforcement officer as defined in s. 165.85(2)(c), and the county may make the payments upon approval by the county board.

(e) Any nonprofit corporation operating a museum under a lease agreement with the state historical society, and all officers, directors, employes and agents of such a corporation, and any local emergency planning committee appointed by a county board under s. 59.07(146)(a) and all members of such a committee, are state officers, employes or agents for the purposes of this subsection.

(2) Any town officer held personally liable for reimbursement of any public funds paid out in good faith pursuant to the directions of electors at any annual or special town meeting shall be reimbursed by the town for the amount of the judgment for damages and costs entered against the town officer.

(3) The protection afforded by this section shall apply to any state officer, employe or agent while operating a state-owned vehicle for personal use in accordance with s. 20.916(7).

(4) The protection afforded by this section applies to members of the board of governors created under s. 619.04(3), members of a committee or subcommittee of that board of governors, members of the patients compensation fund peer review council created under s. 655.275(2) and persons consulting with that council under s. 655.275(5)(b), with respect to judgments, attorney fees and costs awarded before, on or after April 25, 1990.

(5) The protection afforded by this section applies to any volunteer health care provider who provides services under s. 146.89.

Chapter 939, Crimes—General Provisions

939.22 Words and phrases defined. In chs. 939 to 948 and 951, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction or the word or phrase is defined in s. 948.01 for purposes of ch. 948:

(4) "Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.

(6) "Crime" has the meaning designated in s. 939.12.

(8) "Criminal intent" has the meaning designated in s. 939.23.

(10) "Dangerous weapon" means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any electric weapon, as defined in s. 941.295(4); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

(11) "Drug" has the meaning specified in s. 450.01(10).

(12) "Felony" has the meaning designated in s. 939.60.

(14) "Great bodily harm" means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

(19) "Intimate parts" means the breast, buttock, anus, groin, scrotum, penis, vagina or pubic mound of a human being.

(20) "Misdemeanor" has the meaning designated in s. 939.60.

(22) "Peace officer" means any person vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes.

(24) "Place of prostitution" means any place where a person habitually engages, in public or in private, in nonmarital acts of sexual intercourse, sexual gratification involving the sex organ of one person and the mouth or anus of another, masturbation or sexual contact for any thing of value.

(30) "Public officer"; "public employe." A "public officer" is any person appointed or elected according to law to discharge a public duty for the state or one of its subordinate governmental units. A "public employe" is any person, not an officer, who performs any official function on behalf of the state or one of its subordinate governmental units and who is paid from the public treasury of the state or subordinate governmental unit.

(32) "Reasonably believes" means that the actor believes that a certain fact situation exists and such belief under the circumstances is reasonable even though erroneous.

(34) "Sexual contact" means the intentional touching of the clothed or unclothed intimate parts of another person with any part of the body clothed or unclothed or with any object or device, or the intentional touching of any part of the body clothed or unclothed of another person with the intimate parts of the body clothed or unclothed if that intentional touching is for the purpose of sexual arousal or gratification.

(36) "Sexual intercourse" requires only vulvar penetration and does not require emission.

(48) "Without consent" means no consent in fact or that consent is given for one of the following reasons:

(a) Because the actor put the victim in fear by the use or threat of imminent use of physical violence on him, or on a person in his presence, or on a member of his immediate family; or

(b) Because the actor purports to be acting under legal authority; or

(c) Because the victim does not understand the nature of the thing to which he consents, either by reason of ignorance or mistake of fact or of law other than criminal law or by reason of youth or defective mental condition, whether permanent or temporary.

939.23 Criminal intent. (1) When criminal intent is an element of a crime in chs. 939 to 951, such intent is indicated by the term "intentionally," the phrase "with intent to," the phrase "with intent that," or some form of the verbs "know" or "believe."

(2) "Know" requires only that the actor believes that the specified fact exists.

(3) "Intentionally" means that the actor either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause that result. In addition, except as provided in sub. (6), the actor must have knowledge of those facts which are necessary to make his or her conduct criminal and which are set forth after the word "intentionally."

(4) "With intent to" or "with intent that" means that the actor either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause that result.

(6) Criminal intent does not require proof of knowledge of the age of a minor even though age is a material element in the crime in question.

939.24 Criminal recklessness. (1) In this section, "criminal recklessness" means that the actor creates an unreasonable and substantial risk of death or great bodily harm to another human being and the actor is aware of that risk.

(2) If criminal recklessness is an element of a crime in chs. 939 to 951, the recklessness is indicated by the term "reckless" or "recklessly."

(3) A voluntarily produced intoxicated or drugged condition is not a defense to liability for criminal recklessness if, had the actor not been in that condition, he or she would have been aware of creating an unreasonable and substantial risk of death or great bodily harm to another human being.

939.25 Criminal negligence. (1) In this section, "criminal negligence" means ordinary negligence to a high degree, consisting of conduct which the actor should realize creates a substantial and unreasonable risk of death or great bodily harm to another.

(2) If criminal negligence is an element of a crime in chs. 939 to 951 or s. 346.62, the negligence is indicated by the term "negligent."

Chapter 940, Crimes Against Life and Bodily Security

940.225 Sexual assault. (1) FIRST DEGREE SEXUAL ASSAULT. Whoever does any of the following is guilty of a Class B felony:

(a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.

(b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.

(c) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

(2) SECOND DEGREE SEXUAL ASSAULT. Whoever does any of the following is guilty of a Class C felony:

(a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

(b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.

(c) Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition.

(d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.

(f) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.

(g) Is an employe of an inpatient facility or a state treatment facility and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility.

(3) THIRD DEGREE SEXUAL ASSAULT. Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class D felony.

(3m) FOURTH DEGREE SEXUAL ASSAULT. Whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

(4) CONSENT. "Consent," as used in this section, means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. Consent is not an issue in alleged violations of sub. (2)(c), (d) and (g). The following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence subject to the provisions of s. 972.11(2):

(b) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct.

(c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(5) DEFINITIONS. In this section:

(a) "Inpatient facility" has the meaning designated in s. 51.01(10).

(b) "Sexual contact" means any intentional touching by the complainant or defendant, either directly or through clothing by the use of any body part or object, of the complainant's or defendant's intimate parts if that intentional touching is either for the purpose of sexually degrading; or for the purpose of sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted battery under s. 940.19(1).

(c) "Sexual intercourse" includes the meaning assigned under s. 939.22(36) as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required.

(d) "State treatment facility" has the meaning designated in s. 51.01(15).

(6) MARRIAGE NOT A BAR TO PROSECUTION. A defendant shall not be presumed to be incapable of violating this section because of marriage to the complainant.

(7) DEATH OF VICTIM. This section applies whether a victim is dead or alive at the time of the sexual contact or sexual intercourse.

Section note: 1985 Act 134; 1987 Acts 245, 332, 352, 403, 403 s. 256.

940.227 Forced viewing of sexual activity. **(1)** In this section, "sexually explicit conduct" has the meaning specified in s. 948.01(7).

(2) Whoever, by use or threat of force or violence, causes a child who has not attained 18 years of age to view sexually explicit conduct may be penalized as provided in sub. (3).

(3) Whoever violates sub. (2) is guilty of:

(a) A Class C felony if the child has not attained the age of 13 years.

(b) A Class D felony if the child has attained the age of 13 years but has not attained the age of 18 years.

Section note: 1987 Act 334; 1989 Act 359.

940.29 Abuse of residents of facilities. Any person in charge of or employed in any of the following facilities who abuses, neglects or ill-treats any person confined in or a resident of any such facility or who knowingly permits another person to do so is guilty of a Class E felony:

(1) A penal or correctional institution or other place of confinement; or

(2) A home for the aged; or

(3) A hospital for the mentally ill; or

(4) A school or institution for the mentally deficient; or

(5) A state school for the blind or deaf; or

(7) A nursing home as defined in s. 50.01(3).

(8) A community-based residential facility as defined in s. 50.01(lg).

(9) An adult family home, as defined in s. 50.01(l).

Section note: Ch. 173, Laws of 1977; Ch. 124, Laws of 1979; Ch. 20, Laws of 1981; 1987 Acts 161, 161 s. 13, 332.

940.30 False imprisonment. Whoever intentionally confines or restrains another without the person's consent and with knowledge that he or she has no lawful authority to do so is guilty of a Class E felony.

Section note: Ch. 173, Laws of 1977.

Chapter 948, Crimes Against Children

948.01 Definitions. In this chapter, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction:

(1) "Child" means a person who has not attained the age of 18 years.

(1g) "Joint legal custody" has the meaning given in s. 767.001(1).

(1r) "Legal custody" has the meaning given in s. 767.001(2).

(2) "Mental harm" means substantial harm to a child's psychological or intellectual functioning which may be evidenced by a substantial degree of certain characteristics of the child, including, but not limited to, anxiety, depression, withdrawal or outward aggressive behavior. "Mental harm" may be demonstrated by a substantial and observable change in behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development.

(3) "Person responsible for the child's welfare" includes the child's parent; guardian; foster parent; an employe of a public or private residential home, institution or agency; other person legally responsible for the child's welfare in a residential setting; or a person employed by one legally responsible for the child's welfare to exercise temporary control or care for the child.

(3m) "Physical placement" has the meaning given in s. 767.001(5).

(4) "Sadomasochistic abuse" means the infliction of force, pain or violence upon a person for the purpose of sexual arousal or gratification.

(5) "Sexual contact" means any intentional touching by the complainant or defendant, either directly or through clothing by the use of any body part or object, of the complainant's or defendant's intimate parts if that intentional touching is either for the purpose of sexually degrading or sexually humiliating the complainant or sexually arousing or gratifying the defendant.

(6) "Sexual intercourse" means vulvar penetration as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required.

(7) "Sexually explicit conduct" means actual or simulated:

(a) Sexual intercourse, meaning vulvar penetration as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by a person or upon the person's instruction. The emission of semen is not required;

(b) Bestiality;

(c) Masturbation;

(d) Sexual sadism or sexual masochistic abuse including, but not limited to, flagellation, torture or bondage; or

(e) Lewd exhibition of the genitals or pubic area.

History: 1987 a. 332; 1989 a. 31.

948.015 Other offenses against children. In addition to the offenses under this chapter, offenses against children include, but are not limited to, the following:

(1) Sections 103.19 to 103.32 and 103.64 to 103.82, relating to employment of minors.

(2) Section 118.13, relating to pupil discrimination.

(3) Section 125.07, relating to furnishing alcohol beverages to underage persons.

(4) Section 146.01, relating to infant blindness.

(5) Section 151.03, relating to applying lead-bearing paints or selling or transferring a fixture or other object containing a lead-bearing paint.

(6) Sections 161.01(6) and 161.49, relating to distributing controlled substances to children.

(7) Section 444.09(4), relating to boxing.

History: 1987 a. 332; 1989 a. 31.

948.02 Sexual assault of a child. **(1)** FIRST DEGREE SEXUAL ASSAULT. Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 13 years is guilty of a Class B felony.

(2) SECOND DEGREE SEXUAL ASSAULT. Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 16 years is guilty of a Class C felony.

(3) FAILURE TO ACT. A person responsible for the welfare of a child who has not attained the age of 16 years is guilty of a Class C felony if that person has knowledge that another person intends to have, is having or has had sexual intercourse or sexual contact with the child, is physically and emotionally capable of taking action which will prevent the intercourse or contact from taking place or being repeated, fails to take that action and the failure to act exposes the child to an unreasonable risk that intercourse or contact may occur between the child and the other person or facilitates the intercourse or contact that does occur between the child and the other person.

(4) MARRIAGE NOT A BAR TO PROSECUTION. A defendant shall not be presumed to be incapable of violating this section because of marriage to the complainant.

(5) DEATH OF VICTIM. This section applies whether a victim is dead or alive at the time of the sexual contact or sexual intercourse.

History: 1987 a. 332; 1989 a. 31.

948.03 Physical abuse of a child. **(1)** DEFINITIONS. In this section, "recklessly" means conduct which creates a situation of unreasonable risk of harm to and demonstrates a conscious disregard for the safety of the child.

(2) INTENTIONAL CAUSATION OF BODILY HARM. (a) Whoever intentionally causes great bodily harm to a child is guilty of a Class C felony.

(b) Whoever intentionally causes bodily harm to a child is guilty of a Class D felony.

(c) Whoever intentionally causes bodily harm to a child by conduct which creates a high probability of great bodily harm is guilty of a Class C felony.

(3) RECKLESS CAUSATION OF BODILY HARM. (a) Whoever recklessly causes great bodily harm to a child is guilty of a Class D felony.

(b) Whoever recklessly causes bodily harm to a child is guilty of a Class E felony.

(c) Whoever recklessly causes bodily harm to a child by conduct which creates a high probability of great bodily harm is guilty of a Class D felony.

(4) FAILING TO ACT TO PREVENT BODILY HARM. (a) A person responsible for the child's welfare is guilty of a Class C felony if that person has knowledge that another person intends to cause, is causing or has intentionally or recklessly caused great bodily harm to the child and is physically and emotionally capable of taking action which will prevent the bodily harm from occurring or being repeated, fails to take that action and the failure to act exposes the child to an unreasonable risk of great bodily harm by the other person or facilitates the great bodily harm to the child that is caused by the other person.

(b) A person responsible for the child's welfare is guilty of a Class D felony if that person has knowledge that another person intends to cause, is causing or has intentionally or recklessly caused bodily harm to the child and is physically and emotionally capable of taking action which will prevent the bodily harm from occurring or being repeated, fails to take that action and the failure to act exposes the child to an unreasonable risk of bodily harm by the other person or facilitates the bodily harm to the child that is caused by the other person.

(5) PENALTY ENHANCEMENT; ABUSE BY CERTAIN PERSONS. If a person violates sub. (2) or (3) and the person is responsible for the welfare of the child who is the victim of the violation, the maximum term of imprisonment may be increased by not more than 5 years.

(6) TREATMENT THROUGH PRAYER. A person is not guilty of an offense under this section solely because he or she provides a child with treatment by spiritual means through prayer alone for healing in accordance with the religious method of healing permitted under s. 48.981(3)(c)4 or 448.03(6) in lieu of medical or surgical treatment.

History: 1987 a. 332.

948.04 Causing mental harm to a child. **(1)** Whoever is exercising temporary or permanent control of a child and causes mental harm to that child by conduct which demonstrates substantial disregard for the mental well-being of the child is guilty of a Class C felony.

(2) A person responsible for the child's welfare is guilty of a Class C felony if that person has knowledge that another person has caused, is causing or will cause mental harm to that child, is physically and emotionally capable of taking action which will prevent the harm, fails to take that action and the failure to act exposes the child to an unreasonable risk of mental harm by the other person or facilitates the mental harm to the child that is caused by the other person.

History: 1987 a. 332.

948.05 Sexual exploitation of a child. **(1)** Whoever does any of the following with knowledge of the character and content of the sexually explicit conduct involving the child is guilty of a Class C felony:

(a) Employs, uses, persuades, induces, entices or coerces any child to engage in sexually explicit conduct for the purpose of photographing, filming, videotaping, recording the sounds of or displaying in any way the conduct.

(b) Photographs, films, videotapes, records the sounds of or displays in any way a child engaged in sexually explicit conduct.

(c) Produces, performs in, profits from, promotes, imports into the state, reproduces, advertises, sells, distributes or possesses with intent to sell or distribute, any undeveloped film, photographic negative, photograph, motion picture, videotape, sound recording or other reproduction of a child engaging in sexually explicit conduct.

(2) A person responsible for a child's welfare who knowingly permits, allows or encourages the child to engage in sexually explicit conduct for a purpose proscribed in sub. (1)(a), (b) or (c) is guilty of a Class C felony.

(3) It is an affirmative defense to prosecution for violation of this section if the defendant had reasonable cause to believe that the child had attained the age of 18 years, and the child exhibited to the defendant, or the defendant's agent or client, a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that the child had attained the age of 18 years. A defendant who raises this affirmative defense has the burden of proving this defense by a preponderance of the evidence.

History: 1987 a. 332.

Term "import" under (1)(c) means bringing in from external source and does not require commercial element or exempt personal use. State v. Bruckner, 151 W(2d) 833, 447 NW(2d) 376 (Ct. App. 1989).

948.06 Incest with a child. Whoever does any of the following is guilty of a Class C felony:

(1) Marries or has sexual intercourse or sexual contact with a child he or she knows is related, either by blood or adoption, and the child is related in a degree of kinship closer than 2nd cousin; or

(2) Is a person responsible for the child's welfare and:

(a) Has knowledge that another person related to the child by blood or adoption in a degree of kinship closer than 2nd cousin has had or intends to have sexual intercourse or sexual contact with the child;

(b) Is physically and emotionally capable of taking action that will prevent the intercourse or contact from occurring or being repeated;

(c) Fails to take that action; and

(d) The failure to act exposes the child to an unreasonable risk that intercourse or contact may occur between the child and the other person or facilitates the intercourse or contact that does occur between the child and the other person.

History: 1987 a. 332.

948.07 Child enticement. Whoever, with intent to commit any of the following acts, causes or attempts to cause any child who has not attained the age of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class C felony:

(1) Having sexual contact or sexual intercourse with the child in violation of s. 948.02.

(2) Causing the child to engage in prostitution.

(3) Exposing a sex organ to the child or causing the child to expose a sex organ in violation of s. 948.10.

(4) Taking pictures of the child engaging in sexually explicit conduct.

(5) Causing bodily or mental harm to the child.

(6) Giving or selling to the child a controlled substance in violation of ch. 161.

History: 1987 a. 332.

948.08 Soliciting a child for prostitution. Whoever intentionally solicits or causes any child to practice prostitution or establishes any child in a place of prostitution is guilty of a Class C felony.

History: 1987 a. 332.

948.09 Sexual intercourse with a child age 16 or older. Whoever has sexual intercourse with a child who is not the defendant's spouse and who has attained the age of 16 years is guilty of a Class A misdemeanor.

History: 1987 a. 332.

948.10 Exposing genitals or pubic area. Whoever, for purposes of sexual arousal or sexual gratification, causes a child to expose genitals or pubic area or exposes genitals or pubic area to a child is guilty of a Class A misdemeanor. This section does not apply if the child is the defendant's spouse.

History: 1987 a. 332; 1989 a. 31.

948.11 Exposing a child to harmful material. **(1)** DEFINITIONS. In this section:

(a) "Harmful material" means:

1. Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body that depicts nudity, sexually explicit conduct, sadomasochistic abuse, physical torture or brutality and that is harmful to children; or

2. Any book, pamphlet, magazine, printed matter however reproduced or sound recording that contains any matter enumerated in subd. 1, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexually explicit conduct, sadomasochistic abuse, physical torture or brutality and that, taken as a whole, is harmful to children.

(b) "Harmful to children" means that quality of any description or representation, in whatever form, of nudity, sexually explicit conduct, sexual excitement, sadomasochistic abuse, physical torture or brutality, when it:

1. Predominantly appeals to the prurient, shameful or morbid interest of children;

2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for children; and

3. Lacks serious literary, artistic, political, scientific or educational value for children, when taken as a whole.

(c) "Knowledge of the nature of the material" means knowledge of the character and content of any material described herein.

(d) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

(e) "Person" means any individual, partnership, firm, association, corporation or other legal entity.

(f) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(2) CRIMINAL PENALTIES. (a) Whoever, with knowledge of the nature of the material, sells, exhibits, transfers or loans to a child any material which is harmful to children, with or without monetary consideration, is guilty of a Class E felony.

(b) Whoever, with knowledge of the nature of the material, possesses material which is harmful to children with the intent to sell, exhibit, transfer or loan the material to a child is guilty of a Class A misdemeanor.

(c) It is an affirmative defense to a prosecution for a violation of this section if the defendant had reasonable cause to believe that the child had attained the age of 18 years, and the child exhibited to the defendant a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that the child had attained the age of 18 years. A defendant who raises this affirmative defense has the burden of proving this defense by a preponderance of the evidence.

(3) EXTRADITION. If any person is convicted under sub. (2) and cannot be found in this state, the governor or any person performing the functions of governor by authority of the law shall, unless the convicted person has appealed from the judgment of contempt or conviction and the appeal has not been finally determined, demand his or her extradition from the executive authority of the state in which the person is found.

(4) LIBRARIES AND EDUCATIONAL INSTITUTIONS. (a) The legislature finds that the libraries and educational institutions under par. (b) carry out the essential purpose of making available to all citizens a current, balanced collection of books, reference materials, periodicals, sound recordings and audiovisual materials that reflect the cultural diversity and pluralistic nature of American society. The legislature further finds that it is in the interest of the state to protect the financial resources of libraries and educational institutions from being expended in litigation and to permit these resources to be used to the greatest extent possible for fulfilling the essential purpose of libraries and educational institutions.

(b) No person who is an employe, a member of the board of directors or a trustee of any of the following is liable to prosecution for violation of this section for acts or omissions while in his or her capacity as an employe, a member of the board of directors or a trustee:

1. A public elementary or secondary school.

2. A private school, as defined in s. 115.001(3r).

3. Any school offering vocational, technical or adult education that:

a. Is a vocational, technical and adult education district school, is a school approved by the educational approval board under s. 38.51 or is a school described in s. 38.51(9)(f), (g) or (h); and

b. Is exempt from taxation under section 501(c)(3) of the internal revenue code, as defined in s. 71.01(6).

4. Any institution of higher education that is accredited, as described in s. 39.30(1)(d), and is exempt from taxation under section 501(c)(3) of the internal revenue code, as defined in s. 71.01(6).

5. A library that receives funding from any unit of government.

(5) SEVERABILITY. The provisions of this section, including the provisions of sub. (4), are severable, as provided in s. 990.001(11).

History: 1987 a. 332; 1989 a. 31.

Sauk County Community Schools Policy and Procedures in Reporting Child Abuse and/or Neglect

Policy Statement

The teachers, counselors, speech therapists, psychologists, nurses, and administrators of the school system believe that a child's family and the schools have a prime and cooperative role in the education and welfare of children. School personnel recognize their obligation in accordance with Wisconsin Statutes to report all cases of suspected abuse and/ or neglect to appropriate authorities for investigation. All school personnel should be inserviced annually to update knowledge regarding child abuse and neglect (including legal requirements, prevention, identification, referral, and treatment).

When reporting cases of suspected abuse or neglect, in good faith, school personnel shall have immunity from any liability, civil or criminal, that results from this action. In addition, should the staff member be subpoenaed to appear in court, their expenses shall be paid by the school district. No district employee shall be discharged from employment for making a child abuse report.

Anyone knowingly or willfully violating Chapter 48.981(2) of the Wisconsin State Statutes regarding mandated reporters may be fined not more than $1,000.00 or imprisoned not more than six months or both according to State Statute.

Definitions

The following definitions are used to define abuse and/or neglect.

1. "Abuse" means any physical injury inflicted on a child by other than accidental means.
2. Sexual intercourse or sexual contact (any intentional touching by complainants or defendants, either directly or through clothing by the use of any body part or object of the complainant's or defendant's intimate parts if that intentional touching is either for the purpose of sexually degrading or sexually humiliating the complainant or sexually arousing or gratifying the defendant) or sexual exploitation (prostitution, pornography).
3. "Neglect" means failure, refusal, or inability on the part of a parent, guardian, legal custodian, or other person exercising temporary or permanent control over a child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child.
4. "Emotional damage" means harm to a child's psychological or intellectual functioning which is exhibited by severe anxiety, depression, withdrawal, or outward aggressive behavior, or a combination of those behaviors, which is caused by the child's parent, guardian, legal custodian, or other person exercising temporary or permanent control over the child and for which the child's parent, guardian, or legal custodian has failed to obtain the treatment necessary to remedy the harm. "Emotional damage" may be demonstrated by a substantial and observable change in behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development.

Reporting Procedures

A specific referral procedure is outlined below to ensure an accurate and complete report of the abuse or neglect incident and to support the completion of the referral process. Be reminded that it is the responsibility of the Department of Human Services/Law Enforcement to investigate abuse and/or neglect; the reporter only needs to have suspicion of abuse or neglect to be required to make the report. The Department of Human Services/Law Enforcement is responsible for in-depth interviewing of the child.

---

* Used with permission.

1. Any teacher, counselor, school psychologist, school social worker, speech therapist, school nurse, or administrator having reason to believe that a child may have been abused or neglected or threatened with abuse or neglect and that abuse or neglect will occur, shall immediately notify the County Department of Human/Social Services in which the child lives. Sauk County Department of Human Services reporting numbers are 356-4866 or 524-4391. When calling Human Services, state to the receptionist "I am reporting a suspected child abuse/neglect case." At that time your call will be transferred to an access worker who will take the information and assign it a worker. The oral report should include the following information:

    1. Name and DOB of child suspected of being abused.
    2. Name of school and grade.
    3. Name, address, and telephone number of child's caretaker.
    4. Facts and circumstances forming the suspicion, including child's statements.
    5. Present whereabouts of child.
    6. Any factors contributing to high risk.
    7. Other children in the family and others living in the home.
    8. Parents' place of employment.
    9. Emergency phone number.

If the Human Services Department is closed, contact your local law enforcement agency at 911, or contact Crisis Screening at 1-800-533-5692.

2. After orally notifying the Department of Human Services or law enforcement, the reporter shall notify the building principal of the referral.

3. Complete a written referral to the Department of Human Services within 24 hours, with a copy to the building principal. Neglect and abuse referrals shall be kept in a separate, confidential file to be the responsibility of the building principal.

Consider

1. The reporter/school should not notify the parents that a referral for neglect and abuse has been made. The Department of Human Services will contact the family. Notification to the family could interfere with an investigation. Any questions as to who should be notified shall be discussed with the Department of Human Services.

2. When possible, make reports early in the work day, so as to allow time for a determination to be made if it is safe for the child to return home.

3. If a report is unsubstantiated, the reporter should continue to report any further suspicions of abuse or neglect. They would follow the same procedure, and may become part of an ongoing case record.

4. Confidentiality should be respected, but in the case where a child may have several teachers, one may share referral information with the student's other teachers on a need-to-know basis. If more information is acquired, this information should be referred to the Human Services Department.

5. It is the responsibility of the Sauk County Department of Human Services and law enforcement personnel to investigate possible child abuse and neglect. Therefore, school personnel should not pressure the child to gain information regarding an injury or other information surrounding the abuse or neglect. Schools need only suspect that abuse or neglect has occurred to report the incident.

6. The school should avoid asking the child a leading question. A leading question is one which suggests the answer. For example, if a child is saying that her father hit her, and bruises are visible on her legs, do not ask "Did he also kick you?" A better question would be "How did you get the bruises on your legs?"

Procedures of the Department of Human Services

1. At the time of intake, the access worker will assess whether the referral should be investigated immediately and whether the Sheriff's Department or Police Department should be notified to conduct the investigation with the Department of Human Services. The safety and well-being of the child is the ultimate concern.

2. It is the policy of the Department of Human Services to interview children at school whenever possible. By Wisconsin Statutes, the Department of Human Services has a legal right to interview children on school premises without parental approval. The Department of Human Services worker will report to the school office before interviewing the child.

3. The Department of Human Services is required to inform the mandated reporter of the status of the case within 60 days after receipt of the initial report. The Department of Human Services will report to the mandated reporter with a written report.

4. Confidentiality shall be maintained in all abuse and neglect cases. Records are confidential. The name of the reporter shall not, and will not, be released to the family that is being investigated.

5. Throughout Wisconsin, roughly 35 percent of child abuse reports are "substantiated" (the child has been determined to be in need of protective intervention or protective services). Roughly 41 percent of Sauk County reports are substantiated. Typical interventions include counseling, case management, parent skills training, daycare, homemaker/parent aids, support groups, etc. Based in part on a significant amount of research, Human Services makes every effort to keep together but to substantially improve the family unit.

Child Abuse / Neglect Information Form

From: Sauk County Department of
Human Services
116 5th Avenue
Baraboo, WI 53913

To: ____________________
____
____

Children in home if relevant to the case: (Place an * by the name of the child/children involved in report and/or services)

Name	Date of Birth	Sex

Person(s) Responsible for Child:

Parent/Guardian: ____________________

Address: ____________________ Phone: __________

____________________ County: __________

Protective Services Worker Assigned: ____________________

Decision of Referral: (Check one)

- ☐ No protective services needed
- ☐ Neglect/abuse as reported (check one)
  - ☐ Services offered and accepted
  - ☐ Services refused but involvement continuing
  - ☐ Court referral
- ☐ Other: ____________________

Suggested Follow-up:

____
____
____
____

____________________ (Signature of Protective Service Worker)

____________________ (Date)

After reading, this form must be given to building principal and kept in confidential file

Child Abuse Report

To be completed within 24 hours of verbal report to Department of Human Services

To: Sauk County Department of
Human Services
116 5th Avenue
Baraboo, WI 53913

From: ____________________
____

School: ____________________

Child's Name: ____________________ Date of Birth: ____________

Address: ____________________ School: ____________
____

Person(s) Responsible for Child:

Father: ____________________ Address: ____________________

Phone: ____________________ ____________________

Place of Employment: ____________ Phone: ____________________

Mother: ____________________ Address: ____________________

Phone: ____________________ ____________________

Place of Employment: ____________ Phone: ____________________

Emergency Phone Number: ____________

Other Adults in Home: ____________ Relationship: ____________
____________ ____________

Other Children in Home:

Name	Date of Birth	School

Circumstances leading to the suspicion that the child is a victim of abuse including the nature of the injury, if any:

____
____
____
____

Other pertinent information (parents contact and response):

____
____
____

Report made by: ____________________ Date mailed: ____________________

Oral report to: Human Services Date: ____________ Time: __________

Copy to Building Principal Date: ____________

Cooperative Educational Service Agencies (CESA) Information

CESA 1
2930 South Root River Parkway
West Allis, WI 53227
(414) 546-3000

CESA 2
430 East High Street
Milton, WI 53563
(608) 758-6232

CESA 3
1300 Industrial Street
Fennimore, WI 53809
(608) 822-3276

CESA 4
1855 East Main Street
Onalaska, WI 54650
(608) 785-9372

CESA 5
P.O. Box 564
Portage, WI 53901-0564
(608) 742-8811

CESA 6
P.O. Box 2568
Oshkosh, WI 54903
(414) 233-2372

CESA 7
595 Baeten Road
Green Bay, WI 54304
(414) 492-5960

CESA 8
P.O. Box 320
Gillett, WI 54124-0320
(414) 855-2114

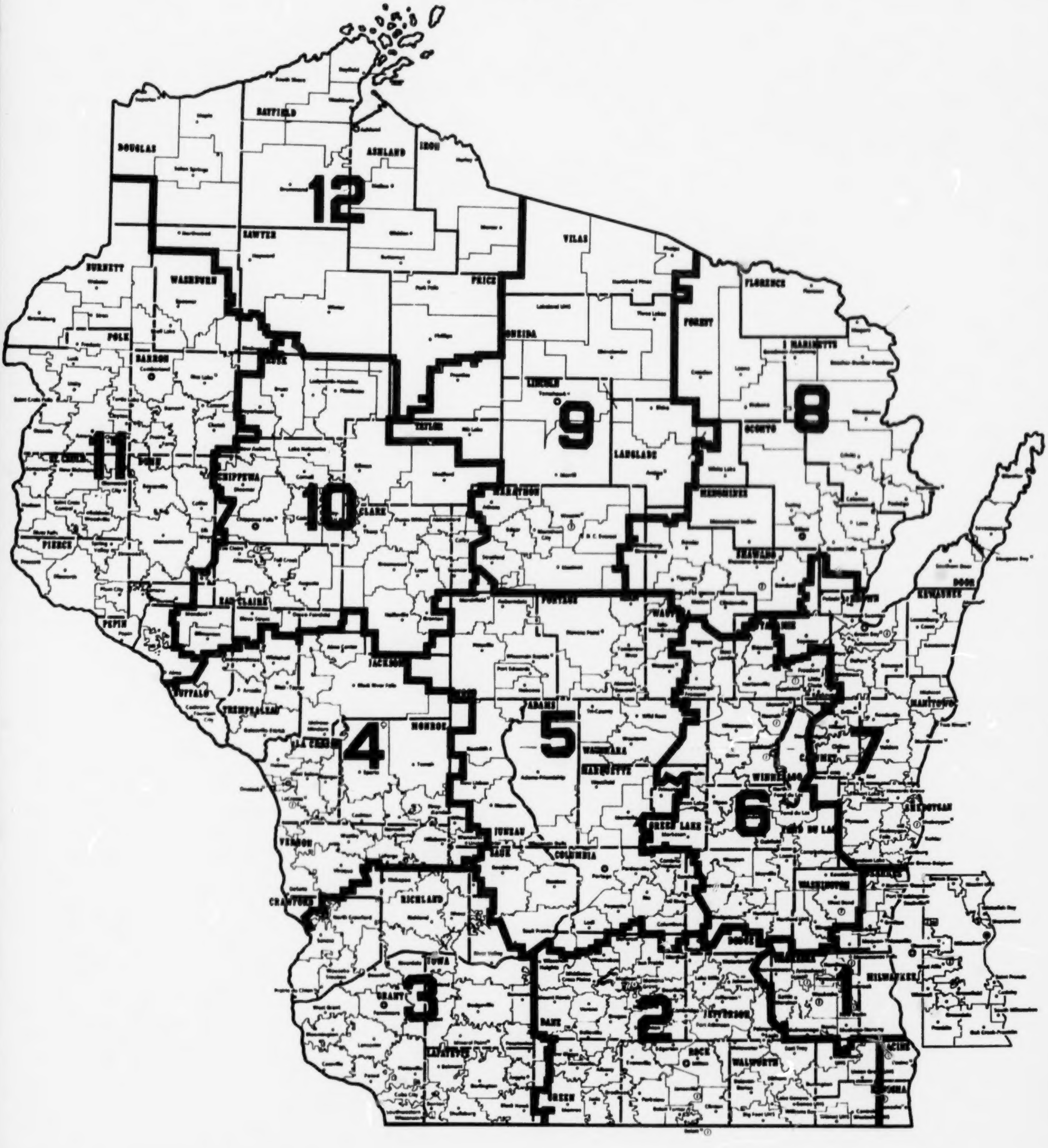
CESA 9
P.O. Box 449
Tomahawk, WI 54487
(715) 453-2141

CESA 10
725 West Park Avenue
Chippewa Falls, WI 54729
(715) 723-0341

CESA 11
P.O. Box 728
Cumberland, WI 54829
(715) 822-4711

CESA 12
618 Beaser Avenue
Ashland, WI 54806
(715) 682-2363

CESA Map



BEST COPY AVAILABLE

Department of Health and Social Services (DHSS) Information

Southern District
3601 Memorial Drive
Madison, WI 53704
(608) 249-0441

Western District
718 West Clairemont Avenue
Eau Claire, WI 54701
(715) 836-2174

Northern District
Spooner Office:
522 East Service Road #1
Spooner, WI 54801
(715) 635-4177

Rhinelander Office:
1853A North Stevens Street
Rhinelander, WI 54501
(715) 365-2500

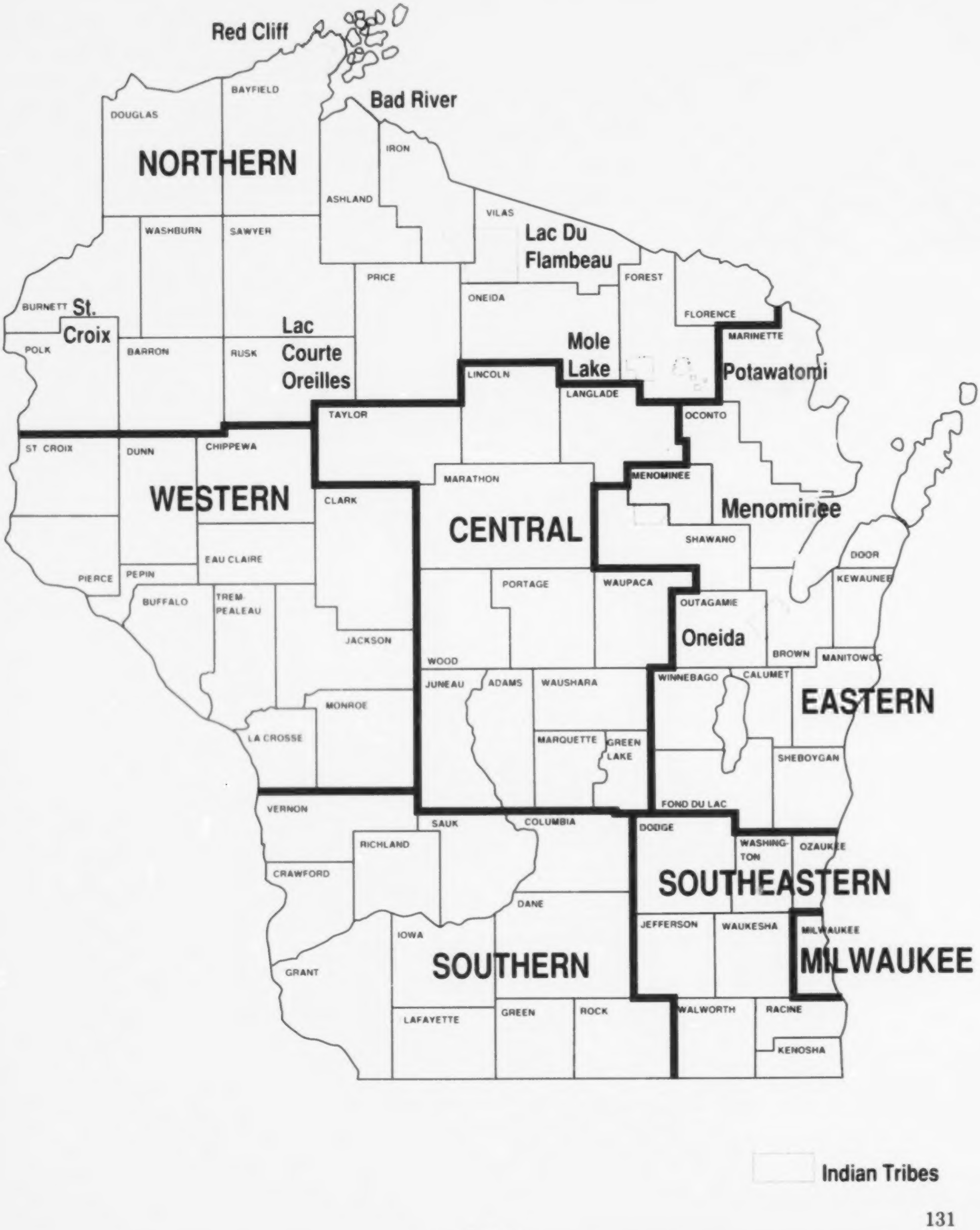
Central District
2811 Eighth Street, Suite 70
Wisconsin Rapids, WI 54494
(715) 422-5080

Eastern District
200 North Jefferson, Suite 411
Green Bay, WI 54301
(414) 448-5312

Southeastern District
141 NW Barstow Street, Room 209
Waukesha, WI 53188
(414) 521-5100

Milwaukee District
819 North Sixth Street, Room 675
Milwaukee, WI 53203
(414) 227-4501

DHSS District Map with Tribal Reservations



Indian Tribes

BEST COPY AVAILABLE

Appendix F

School and Community Resource Collaboration*

A position paper issued by:
The Wisconsin School Social Workers Association
The Wisconsin Chapter of The National Association of Social Workers
The Midwest School Social Work Council

It is the position of the Wisconsin School Social Workers Association (WSSWA), the Wisconsin Chapter of the National Association of Social Workers (NASW WI), and the Midwest School Social Work Council that the Pupil Services Team is the key to collaboration and the school's effective link to the community. Working in cooperation with teachers, administrators, families, and community service providers, Pupil Services Teams comprised of school social workers, school counselors, school psychologists, and school nurses can provide the collaboration that is necessary to ensure that this linkage is established in an efficient and effective manner. As schools and communities establish partnerships to address common concerns, it is imperative that these efforts are coordinated and integrated in a fashion which supports the educational process and the full utilization of school and other community resources on behalf of children and their families.

Rationale

WSSWA, NASW WI Chapter, and the Midwest Council recognize the growing demand for collaboration of resources from federal, state, and local agencies which fund programs aimed at strengthening families and children in education. The need for effective collaboration and integration of school and other community resources has clearly intensified in response to current trends which indicate (1) a significant increase in the number of children and youth at risk for school failure and future diminished employment opportunities, and (2) a decline in resources to support education and community programs.

Community agencies and schools must work collaboratively in assessing needs. However, before schools can be adequately positioned to engage in a collaborative partnership with community agencies, they must first provide children with access to comprehensive pupil services. As integral members of Pupil Services Teams, school social workers are uniquely trained to coordinate and integrate school and other community resources. School social workers have professional preparation and experience in problem solving and systems theory and thus can play a key role in facilitating the development, implementation, and evaluation of collaborative programming for students and families.

Collaboration is a planned, organized process which creates opportunities for people to work together. In this process, roles and responsibilities are articulated between school and community resources, and agreements are reached for collaborative efforts resulting in improved services for children and families. Collaborative efforts must also be encouraged and supported in ways that respect the diversity of children, their families, and the community.

Pupil Services Team members in collaboration with school administrators, teachers, families, and community agency staff must carefully consider the following critical elements in their planning:

---

* Carlson, Sally, Dick Marx, and Jim Clark. Madison, WI: WSSWA, September 1992.

Coordination of services. To achieve optimum results, services provided by school pupil services teams must be coordinated with community based services that may be concurrently providing services for students who are experiencing multiple problems. As an important link between the school, family, and community agencies, school social workers help facilitate communication and joint case planning between school and community agency service providers who are addressing common concerns. A coordinated system of services eliminates duplication of service and results in a more effective delivery system. In some cases labor agreements will need to be reviewed to ensure that services provided by school and community agency personnel are delivered in an integrated and complementary fashion.

Confidentiality. School and community agency records are protected by state laws, thus written parent consent must be obtained before information may be legally exchanged between agencies. Community agency personnel providing services within the school setting may not have unlimited access to student records without parent consent. A process for ensuring confidentiality of information must be developed and implemented consistently.

Referral procedures. Comprehensive pupil services teams should be the primary vehicle for assessing students' needs and coordinating student referrals made to community agency services provided within and outside the school setting. This will ensure case coordination and avoid duplication of service.

Parent involvement. To respect the integrity and privacy of the family and maximize program impact, parental involvement in program development and consent for services provided are essential.

Student/client contact within the school day. Community agency contact with students during the school day should be coordinated with school pupil services staff who may also have individual or group contact with students during the school day. Pulling students out of class should be kept to a minimum to avoid disruption of the educational process. This also applies to conferences with teachers during the school day. Student services must be provided in a manner that enhances the educational mission of the school.

Contract for services. In order to ensure quality of services and avoid confusion regarding school linked service arrangements, there needs to be a specific written agreement which describes the services to be provided and the personnel who will be providing these services. Supervision and evaluation of services should also be addressed as well as funding arrangements, referral procedures, and liability concerns.

Liability. When community agency services are provided within the school setting, then the host school district and community agency must determine which agency is liable for damages if: (1) a parent or group files a legal complaint or lawsuit for malpractice, (2) agency personnel are injured on the job, and (3) students are injured in automobile accidents when being transported by agency personnel. Adequate insurance coverage should be in place for both schools and community agencies.

Qualifications of providers. School social workers and community social workers are often licensed and regulated by state laws that specify educational requirements for various levels of service. Schools must ensure that service providers are qualified to render the agreed upon services such as case management, counseling, support groups, etc.

Conflicts of interest. Preferential treatment of one agency over another can pose a conflict of interest. Agencies are businesses for profit and non-profit, thus parents should always be offered several choices. A process for ensuring this freedom of choice must be established.

Code of ethics. Ethical standards must be upheld for all professionals and paraprofessionals who are working with children and families. For example, the National Association of Social Workers Code of Ethics (NASW 1980) identifies ethical standards for social work practice.

Thorough attention to these critical elements of planning and implementing collaborative efforts will ensure that children and families receive the most efficient and effective services.

References

NASW. *Code of Ethics*. Silver Spring, MD: National Association of Social Workers, 1980.

Wisconsin School Social Workers Association and Wisconsin Chapter of NASW joint position statement on *School and Community Resource Collaboration*, June 1991.

Child Protection Services: An Alphabetical Listing by Region

Southern Region

Columbia County Department of
Human Services
P.O. Box 136
Portage, WI 53901
(608) 742-9227

Crawford County Department of
Human Services
111 West Dunn
Prairie du Chien, WI 53821
(608) 326-0248

Dane County Department of Human Services
1202 Northport Drive
Madison, WI 53704
(608) 242-6290 Main Office
(608) 273-6600 South Madison Office
(608) 873-5636 Stoughton Office
(608) 837-7380 Sun Prairie

Grant County Department of Social Services
8820 Highways 35 and 61 South
P.O. Box 111
Lancaster, WI 53813
(608) 723-2163

Green County Department of Human Services
P.O. Box 216
Monroe, WI 53566
(608) 328-9399

Iowa County Department of Social Services
P.O. Box 98
109 West Fountain Street
Dodgeville, WI 53533
(608) 935-9311

Lafayette County Department of
Human Services
700 North Main
Darlington, WI 53530
(608) 776-4800

Richland County Department of Social Services
250 South Main Street
P.O. Box 673
Richland Center, WI 53581
(608) 647-8821

Rock County Department of Social Services
and Community Programs
P.O. Box 1649
Janesville, WI 53547-1649
(608) 757-5401
(608) 757-5402 alternate phone
(608) 363-6393 alternate phone

Sauk County Department of Human Services
116 Fifth Avenue
Baraboo, WI 53913
(608) 356-4866

Vernon County Department of Human Services
County Highway BB, Erlanson County Building
P.O. Box 823
Viroqua, WI 54665
(608) 637-2135

Western Region

Buffalo County Department of Human Services
407 South Second Street
P.O. Box 600
Alma, WI 54610
(608) 685-4412

Chippewa County Department of
Social Services
711 Bridge Street
Chippewa Falls, WI 54279
(715) 726-7830

Dunn County Department of Human Services
808 Main Street
Menomonie, WI 54751
(715) 833-1977

Jackson County Department of Human Services
221 Main Street
P.O. Box 457
Black River Falls, WI 54615
(715) 284-4301

La Crosse County Department of
Human Services
300 North Fourth Street
P.O. Box 4002
La Crosse, WI 54602
(608) 785-6050
(608) 785-6400 alternate phone

Monroe County Department of Human Services
Community Services Center
Route 2, Building A
Sparta, WI 54656
(608) 269-8630

Pepin County Department of Human Services
740 Seventh Avenue West
Durand, WI 54736
(715) 672-8941

Pierce County Department of Human Services
P.O. Box 670
412 West Kinne Street
Ellsworth, WI 54011
(715) 273-3531, Ext. 282

St. Croix County Department of Human Services
1246 185th Avenue
New Richmond, WI 54017
(715) 246-8285

Trempealeau County Department of
Social Services
Courthouse
P.O. Box 67
Whitehall, WI 54773
(715) 538-2311, Ext. 20

Northern Region

Ashland County Department of Human Services
301 Ellis Avenue
Ashland, WI 54806
(715) 682-7004

Barron County Department of Social Services
330 East LaSalle Avenue, Room 338
Barron, WI 54812
(715) 537-5691

Bayfield County Department of Social Services
P.O. Box 308
Washburn, WI 54891
(715) 373-6127

Burnett County Department of Social Services
7410 County Road K, #130
Siren, WI 54872
(715) 349-2131

Douglas County Department of Human Services
Courthouse Annex
1313 Belknap Street
Superior, WI 54880
(715) 394-0304

Florence County Department of Human Services
Courthouse
P.O. Box 707
Florence, WI 54121
(715) 528-3296

Forest County Department of Social Services
Courthouse
200 East Madison Street
Crandon, WI 54520
(715) 478-3351

Iron County Department of Human Services
300 Taconite Street
Hurley, WI 54534
(715) 561-3636

Oneida County Department of Social Services
Courthouse
P.O. Box 400
Rhinelander, WI 54501
(715) 362-5695

Polk County Department of Social Services
300 Polk Plaza
P.O. Box 219
Balsam Lake, WI 54810
(715) 485-3133

Price County Department of Human Services
Courthouse
Phillips, WI 54555
(715) 339-2158

Rusk County Department of Social Services
Courthouse
311 East Miner
Ladysmith, WI 54848
(715) 532-2116

Sawyer County Department of Social Services
P.O. Box 192
Hayward, WI 54843
(715) 634-4806

Vilas County Department of Social Services
Courthouse
P.O. Box 369
Eagle River, WI 54521
(715) 479-3668

Washburn County Department of Social Services
P.O. Box 250
Shell Lake, WI 54871
(715) 468-7878

Central Region

Adams County Department of Health and Social Services
P.O. Box 699
Adams, WI 53901
(608) 339-3356

Clark County Department of Social Services
P.O. Box 190
Neillsville, WI 54456
(715) 743-5233

Green Lake County Department of Human Services
500 Lake Steel Street
Green Lake, WI 54941
(414) 294-4070

Juneau County Department of Human Services
220 East La Crosse Street
Mauston, WI 53948
(608) 847-9400

Langlade County Department of Social Services
Langlade County Health Service Center
1225 Langlade Road
Antigo, WI 54409
(715) 627-4750

Lincoln County Department of Social Services
503 South Center Avenue
P.O. Box 547
Merrill, WI 54452
(715) 536-6200

Marathon County Department of Social Services
400 East Thomas Street
Wausau, WI 54401
(715) 847-5700

Marquette County Department of Social Services
Courthouse
P.O. Box 405
Montello, WI 53949
(608) 297-9135

Portage County Department of Human Services
817 Whiting Avenue
Stevens Point, WI 54481
(715) 345-5350

Taylor County Department of Human Services
219 South Wisconsin Avenue
Medford, WI 54451
(715) 748-3332

Waupaca County Department of Human Services
811 Harding Street
Waupaca, WI 54981-2080
(715) 258-6414

Waushara County Department of Social Services
P.O. Box 898
209 South Marie Street
Wautoma, WI 54982
(414) 787-3303

Wood County Department of Social Services
South Wood County Office:
Courthouse
400 Market Street
P.O. Box 8095
Wisconsin Rapids, WI 54495-8095
(715) 421-1010

North Wood County Office:
604 East Fourth Street
Marshfield, WI 54449

Eastern Region

Brown County Department of Social Services
111 North Jefferson
Green Bay, WI 54301
(414) 448-4500

Calumet County Department of Human Services
206 Court Street
Chilton, WI 53014
(414) 849-1400 Chilton Office
(414) 989-2700 Appleton Office
(414) 756-2637 Brillion Office
(414) 731-3211 Kiel Office

Door County Department of Social Services
421 Nebraska Street
P.O. Box 670
Sturgeon Bay, WI 54235

Fond du Lac County Department of Social Services
P.O. Box 1196
Fond du Lac, WI 54936-1196
(414) 929-3400

Kewaunee County Department of Social Services
Courthouse Annex
510 Kilbourn Street
Kewaunee, WI 54216
(414) 388-3777

Manitowoc County Department of Human Services
P.O. Box 1177
926 South Eighth Street
Manitowoc, WI 54220
(414) 683-4230

Marinette County Department of Human Services
2500 Hall Avenue
P.O. Box 46
Marinette, WI 54143
(715) 732-7700

Menominee County Department of Human Services
P.O. Box 280
Keshena, WI 54135
(715) 799-3861

Oconto County Department of Human Services
501 Park Street
Oconto, WI 54153-1612
(414) 834-7000

Outagamie County Department of Human Services
401 South Elm Street
Appleton, WI 54911
(414) 832-5161

Shawano County Department of Social Services
Courthouse
P.O. Box 29
Shawano, WI 54166
(715) 526-4700

Sheboygan County Department of Human Services
1011 North Eighth Street
Sheboygan, WI 53081
(414) 459-6416

Winnebago County Department of Social Services
448 Algoma Boulevard
Oshkosh, WI 54901
(414) 236-4636
or
211 North Commercial
Neenah, WI 54956
(414) 236-4635

Southeastern Region

Dodge County Department of Human Services
County Office Building
141 East Center Street
Juneau, WI 53039
(414) 386-3750

Jefferson County Department of
Human Services
N 3995 Annex Road
Jefferson, WI 53549
(414) 674-3105

Kenosha County Department of Social Services
714 52nd Street
Kenosha, WI 53140
(414) 653-6582

Ozaukee County Department of Human Services
P.O. Box 994
121 West Main Street
Port Washington, WI 53074
(414) 284-8200 or 238-8200

Racine County Department of Human Services
207 Seventh Street
Racine, WI 53403
(414) 636-3356

Walworth County Department of
Human Services
Box 1005
Elkhorn, WI 53121
(414) 741-3200 or
(800) 365-1587 or
(414) 741-3255 (tty)

Washington County Department of
Social Services
333 East Washington, Suite 3100
West Bend, WI 53095
(414) 335-4610

Waukesha County Department of Health and
Human Services
500 Riverview
Waukesha, WI 53188
(414) 548-7212

Milwaukee Region

Milwaukee County Department of
Human Services
Youth Services Division
235 West Galena Street
Milwaukee, WI 53212
(414) 289-6444

DPI

BEST COPY AVAILABLE